

T H E
O R A T I O N S
O F

Marcus Tullius Cicero,

Translated into ENGLISH,

WITH

NOTES Historical and Critical,

A N D

ARGUMENTS to Each,

By the TRANSLATOR.

In TWO VOLUMES.

L O N D O N:

Printed for T. WALLER in the *Temple*.

M D C C X L I.



1560/733.

T H E

ORATIONS

OF

Marcus Tullius Cicero,

Translated into English,

WITH

Notes Historical and Critical,

AND

ARGUMENTS to Each,

By the TRANSLATOR.

IN TWO VOLUMES.

LONDON:

Printed by T. Waller in the Strand.

MDCCLXII.



Translated into ENGLISH.

CONTAINING

For MILO.

Against CÆCILIVS.

For ARCHIAS the Poet.

For MARCELLUS.

For the MANILIAN *Law.*

§ For LIGARIUS.

*His ego centenas ausim deposcere voces ;
Ut, quantum mihi te sinuoso in pectore fixi,
Voce traham PURA ; totumque hoc verba resignent,
Quod latet arcanâ, non enarrabile, FIBRA.*
PERSIUS, Sat. v.

L O N D O N:

Printed for T. WALLER in the Temple.

M DCC XLI.

THE
ORATIONS
OF
CICERO
Translated into English.

VOL. I.
CONTAINING
The ORATIONS

For Milo.
Against Caelius.
For the Manilian Law.
For Ligarius.
For Archias.
For the Manilian Law.

This edition contains the most correct and complete text of the orations of Cicero, as they are found in the best editions, with the most accurate and complete Latin text, and the most accurate and complete English translation, by the Rev. John G. Dyer, M.A., of the University of Cambridge.

LONDON:

Printed for J. WALKER in the Strand.
MDCCLXXII.



TO HIS
ROYAL HIGHNESS
THE
PRINCE OF WALES.

SIR,



Presume to lay at the Feet of your Royal Highness, a Translation into English, of the Orations of Cicero, eminent for great Abilities and great Virtues, but especially for that which is the strongest Recommendation to your Royal Highness's Favour, The Love of his Country.

This

DEDICATION.

This great Roman, Sir, did he now live, would know a Pride, were he to be the Subject of a Prince, who, like your Royal Highness, has discover'd so early, so constant an Attachment to the Spirit of the British Constitution. But as no Pen inferior to his can do Justice to so shining a Part of your Royal Highness's Character, I shall only beg Leave, with my most sincere Wishes for the Preservation of your Royal Highness's Person and Family, to express myself, with the profoundest Humility,

May it please Your ROYAL HIGHNESS,

YOUR ROYAL HIGHNESS'S

Most obedient

Most devoted,

And most humble Servant,

The TRANSLATOR.



P R E F A C E

T O T H E

O R A T I O N S,

By the T R A N S L A T O R.



Believe there is now very little Doubt with Men of Sense and Discernment, that the Antients were both our Masters and Superiors in those Arts of which any Specimens have surviv'd the Injuries of Time and Barbarism. The Monuments of their Sculpture, their Drawing, their Architecture, and their Poetry, that have come to our Hands, are, to any but a Bigot, so many incontestable Proofs of this. The Partiality, however, of late Times has, in some very

B

few

ii P R E F A C E.

few Instances of these Arts, set up Rivals to them among the Moderns, who, if we were to admit the Assistance they borrow'd from their Predecessors, as the Effect of their own Genius, seem to leave the Palm doubtful. But the Prize of Eloquence has, I think, remain'd undisputed with the Antients; *True Eloquence* being the only Art, the Practice of which never surviv'd *Liberty*. Tyrants have in all Ages and Nations been known to encourage other Arts, because in them they found their *Vanity* agreeably fed, their *Passions* sooth'd, their *Inclinations* flatter'd, their *Manners* recommended, their *Virtues* exaggerated, and their *Faults* disguis'd. Perhaps *Ambition* it self had a great Influence in recommending all other Arts to their Protection and Encouragement, since the most refin'd Degree of this Passion, is that of having their Characters and Persons transmitted to Posterity, in such Lights as might dazzle and amuse the Mind, which might otherwise

P R E F A C E. iii

wife be busied in exploring the Crimes by which they acquir'd, and the Inhumanity with which they exercis'd their *Power*. Thus we find the Names of the worst of Men become familiar, nay, pleasing to the Ear, when mingling with the bewitching Harmony of Poetry; and the Persons of those who have been the *Detestation* of their own Age, become the *Delight* of a succeeding, when transmitted on the Medal, or the Marble wrought by an intelligent Artist.

But true Eloquence is built upon the *Love of Liberty*; to attain it, the Mind must possess itself of a Consciousness, that the Tongue labours for the Glory and Happiness of Mankind, and that both, in a great Measure, must redound to the Orator himself. Without this Consciousness, the Expression may be *just*, the Disposition *artful*, and the Conclusion *rational*; but still it must be void of the *Spirit* and *Strength* that characterize a *Demosthenes* or a *Cicero*. One may easily

iv P R E F A C E.

conceive what a noble Pride these great Men must have *felt*, while surrounded by a whole People, whose Reason, Passions and Wishes were guided by their Tongue, fir'd by their Action, or kindled by their Eye.

What a disadvantageous Comparison must this Idea create in the Mind, betwixt either of these Orators, and those who have succeeded them. The latter employ'd their Art in the Praises of some one Man or other; which, however merited, are incapable of communicating to the Reader the same Sentiments as that of an Orator speaking in an Assembly, where in *Liberty* he is equal, and in *Dignity* perhaps superior to all who hear him. Hence proceeds that *commanding Power* which *Cicero* retains when speaking even before *Cæsar*, in the two celebrated Speeches which the Reader will find in the first Volume of this Translation, I mean that for *Marcellus*, and that for *Ligarius*. In the former, every Compliment he bestows on the *Personal*, is a
Last

P R E F A C E. v

Last upon the *political* Character of that great Man. In the other, he has left it doubtful, whether he has not call'd him, tenacious and jealous of Power as he was, an *Usurper* to his Face. Thus we find, that *Cicero* cou'd still, tho' before *Cæsar*, retain that Dignity of Thought and Expression, which became habitual, while his Power and Eloquence were honoured and supported by the highest Distinctions which his Country cou'd bestow.

This is the true Reason, why we must despair of ever seeing an Orator equal to *Cicero*, unless we were to see a State equal in Freedom and Dignity to *Old Rome*, while her Constitution was unviolated, or rather before it was abolish'd.

They who are acquainted with the *Roman* History, are sensible of how much Efficacy *Eloquence* was towards their great Men stepping into Power, and how necessary for protecting and defending themselves and their Friends after they had attained it; even their

vi P R E F A C E.

Military Glory was but second to their *Forensian*, since it was chiefly by the latter, that they cou'd hope to rise to the former. Hence it was, that the Men of Quality in *Rome* were so universally learn'd in those Arts and Sciences which enter into the Composition of a good Orator, and which almost comprehend the whole Circle.

Grammar, which is generally look'd upon as the first, was indispensibly necessary for their speaking with Correctness. Without a Knowledge of HISTORY, especially that of their own Country, they never could have reason'd from Precedents, which in all Causes has such decisive Weight. LOGIC, and the Arts of *Ratiocination*, were absolutely necessary towards the Arrangement and Disposition of their Discourse. Without the Study of POETRY, and even a Mixture of *Poetic Genius*, they never cou'd have touch'd the Passions, and communicated, Delight: Even the Knowledge of PAINTING and SCULPTURE is necessary

P R E F A C E. vii

sary towards attaining that Justness of Action, which was so very successful in Addresses to a popular Assembly; and the Study of the proper Attitudes, we find, made a considerable Part of Knowledge in a finish'd Orator, as well as Actor. The simple moving Music of the Antients cou'd not but be of infinite Advantage, in forming the Voice to a proper Modulation, and a fine Ear is perhaps necessary for the happy Disposition of the Periods. Thus Eloquence seems to combine more Arts than any other Study, and its Powers, when exerted to Perfection, we have Reason to believe, had the united Effect of them all.

I shall not pretend to prove this from Instances which occur almost in every Page of the Histories of *Greece* and *Rome*; I shall only make a general Observation, which it may be of the utmost Consequence for the Reader to carry in his Eye, if he would form a just Idea of our Author's Merit as an Orator, when compar'd to

viii *P R E F A C E.*

Demosthenes, and the other great Masters of that Art.

The Moderns, especially the *French*, have fallen into a common beaten Topic of comparing the Characters of these two great Men together, and generally proceed upon a Comparison of their Personal Qualifications. But when we enter into that Disquisition, Personal Accomplishments ought to be the very last Thing that shou'd come within our View. We are first to consider for what End they spoke, and what was their Success; the chief End which both labour'd at, was to *convince*. But whom? here lies the great Foundation for forming a just Character of those two great Fathers of Eloquence. The one was to convince the People of *Athens* where every Man had within himself that pure Reason, and that exquisite Harmony, which in *Rome* they requir'd and expected from the Orator. The *Romans* had Passions, but like Fire within Flint, they were to be struck out, by the commanding

P R E F A C E. ix

manding Power of the Orator : They had Apprehension, but it was slow, and requir'd to be awaken'd by the touches of his Art. The *Greeks* on the other hand, found their Passions touch'd, and their Understandings inform'd by almost every Object that presented ; they naturally had a Sensibility, of which the *Romans* were void, and a Quickness of Discernment, of which there has since their Days been no Instance. Among such a People, an Orator, in order to *convince*, must have been ridiculous to have apply'd any other Engine but Zeal animated by Truth, or at least its Appearances. Every Man who heard him cou'd easily see thro' all other Arts, and perhaps was as much master of them as he was himself.

This Consideration is the true Criterion by which the *Merits* of *Demosthenes* and *Cicero* ought to be try'd. We are to consider, whether it requir'd the greater Talents to *convince* a People, who to good Sense joyn'd an exquisite Quickness of Apprehension, which was
con-

connected with the most extensive Penetration ; or a People who had indeed good Sense, but slow, phlegmatic, confin'd, and whom the Art of the Orator was to supply with all these Means and Assistances for quickening their Apprehension and enlivening their Passions, which the other People deriv'd from other Studies and Objects. This I believe from our Observation in common Life, will scarce admit of a Doubt ; for when two Propositions are equally true, and a Decision founded on them equally difficult to be form'd, it will require much less Art or Abilities to convince and determine a Man of a Character such as I have described the *Athenians*, than to do the same by one who shall resemble in his Character, that of the *Romans*.

From this Consideration I can have no manner of Doubt in preferring the Eloquence of *Cicero*, as an Orator, to that of *Demosthenes*. In the Comparison betwixt the two form'd by *Quintilian*, "*Demosthenes* is said to be more

P R E F A C E. xi

“ compacted, *Cicero* more copious; the
 “ one hems you close in; the other
 “ fights at Weapons length; the one
 “ studies still, as it were, to pierce by
 “ the Keenness; the other to bear you
 “ down with the Fullness, and the
 “ Weight of his Discourse; in the one
 “ there is nothing that can be curtail’d,
 “ in the other, nothing that can be ad-
 “ ded; the one owes more to Applica-
 “ tion, the other to Genius.

“ But in the Witty and the Pathe-
 “ tic, which so strongly sway the Af-
 “ fections, the *Roman* excels.

“ But *Cicero* must in one Thing
 “ yield to *Demosthenes*, who liv’d be-
 “ fore him, and form’d great Part of
 “ the *Roman* Excellency: For to me
 “ it appears, that *Cicero*, applying him-
 “ self entirely to the Imitation of the
 “ *Greeks*, united in his Manner, the
 “ Force of *Demosthenes*, the Copious-
 “ ness of *Plato*, and the Sweetness of
 “ *Isocrates*: Not only did he extract
 “ what was excellent in each of these,
 “ but by the divine Pregnancy of
 “ his

xii *P R E F A C E.*

“ his own immortal Genius, he found
 “ the Means to produce out *of himself*,
 “ most, or rather all their characteri-
 “ stical Beauties: for, (to use an Ex-
 “ pression of *Pindar*) he does not fer-
 “ tilize his Genius by making a Col-
 “ lection of the Waters that fall in
 “ Rain from the Clouds; but form’d
 “ by the kind Indulgence of Provi-
 “ dence, he pours along in a resistless
 “ Flood, that Eloquence may make an
 “ Experiment of all her Powers in his
 “ Person.”

“ For, who can teach more instructive-
 “ ly, or who can move more strongly?
 “ Did ever Man possess such Sweetness,
 “ as to make you believe that you resign
 “ with Willingness what he wrests by
 “ Force! And tho’ the Judge is born
 “ down by his Power, yet he feels not
 “ that he is forc’d along, but that he
 “ follows with Pleasure. Nay, such
 “ is the commanding Character of all
 “ he says, that you are asham’d to dif-
 “ fer from his Sentiments: He is not
 “ distinguish’d by the Zeal of a Coun-
 “ sel,

P R E F A C E. xiii

“ sel, but brings the Conviction of
“ whatever a Witness or a Judge can
“ say. Yet in the mean time all these
“ Excellencies, which in others are the
“ laborious Acquisitions of intense
“ Application, appear in him the easy
“ Flow of Nature ; and his Eloquence
“ tho’ exquisitely and beautifully fi-
“ nish’d, appears to be but the happy
“ Turn of Genius.

“ It was therefore not without Rea-
“ son, that by his Cotemporaries he
“ was said to be the Sovereign of the
“ Bar ; but with Posterity, his Repu-
“ tation arose so high, that the Name
“ of *Cicero* appears not now to be the
“ Name of a Man, but of Eloquence
“ herself : Let us therefore keep him
“ in our Eye ; let him be our Model ;
“ and let the Man who has a strong
“ Passion for *Cicero* know that he has
“ made a Progress in Study.”

This beautiful Passage I have thought
fit to translate ; because some Criticks
pretend, that *Quintilian* has left the
Preference

xiv *P R E F A C E.*

Preference betwixt *Cicero* and *Demosthenes* doubtful. As to the Preference of Genius, I shall not presume to determine any Thing, but if we consider the Writings of both, as they have come to our Hands, without regarding any Thing else, I think it is plain, that *Quintilian* has given it without the least Reserve for the *Roman*.

Having said thus much of my Authors, it remains, that I should give some Account of my own Performance.

The Difficulty of translating the Oration of *Cicero*, may to an *English* Reader appear from this; that tho' they have been often attempted by some of the most learned Men of a neighbouring Nation, yet I will venture to say that there is not a single Page in all the Translations, that have been publish'd in *French* in which the Sense has not either been grossly misunderstood, or entirely sunk. If therefore, an *English* Reader, who is Master of *French*, shall find in the following Translation, almost thro' every Page many and material

P R E F A C E. xv

rial Passages translated different from what he has seen in the *French*, all the Favour I beg is, that he would first enquire before he shall condemn either Side.

But there remains still a stronger Proof of the Difficulty of this Undertaking. Scarcely any Work of the Antients, that has come to our Hands, has had greater Men employ'd in illustrating the Meaning, and fixing the true Reading of the Original, than the Orations of *Cicero* have had; yet the one is still more undetermin'd, and the other more uncertain, than any Thing we meet with in all Antiquity. To descend to an Account of the particular Annotators upon this great Work, and what they have severally perform'd is far from being my Intention at present; it is sufficient, if I inform the Reader of a Fact, which, if ever he himself shall make the Experiment, he will find to be Truth; and that is, that in all the laborious doubtful Task I have now gone thro', I never found the least
Assis-

xvi *P R E F A C E.*

Assistance from any Commentator, except, and but that very seldom, from *Abramius*, who is the only one who seems to have read and studied our Author in the Character of an Orator, a Statesman, and a Man of Sense. The Altercations which the other Commentators to the Number of about twenty-five or twenty-six, have fallen into are so confounding and perplexing, the Manner in which they treat one another is so void of Decency and good Breeding, that one would almost forswear the Pleasure which the Orations give him, rather than wade to their Meaning, thro' such a Mire of Pedantry and Dullness as must lie in his Way, if he can come at it by no other Means than by their Annotations. It is true, that we meet in the Course of their Performances, some valuable Pieces of Learning; but a Man must make a very poor Figure, who shall attempt to translate *Cicero*, if he is ignorant before he applies to them of whatever he may find in them, that is really for his Purpose.

The

P R E F A C E. xvii

The principal Assistances, therefore, which I have had among the Moderns, in helping me to the true Sense of *Tully*, were from those Authors who treat of the Civil Law, and the Manners and Customs of the *Romans*.

These must be studied, before a Man can translate an Oration of *Tully*, and it is by an Acquaintance with them alone, that a Translator can unfold the amazing Erudition and delicate Allusions, which occur almost in every Page of my inimitable Original. This I have endeavour'd after, and have found myself in numberless Passages of the following Work to deviate from the Sense, adopted by the Commentators. It may be expected, that I should give my Reasons for such Deviations; but if I were, the Discussion would swell to a much larger Book than the Text itself. This was indeed my Intention, but I found the Matter rise so prodigiously upon my Hands, that, I chose to throw myself upon the

C

Can-

xviii *P R E F A C E.*

Candour and Discernment of my learned Reader, who alone is capable of entering into any such Discussion, and who, I hope, after an impartial and thorough Enquiry, will justify most of the Liberties I have taken.

But hitherto, I have touch'd only upon the smallest Difficulty and Discouragement, I met with in attempting the following Work. To understand the Meaning of the most obscure Author, if he has any Meaning, is what any Man of tolerable Sense and Knowledge of the Language with great Application may effect. But to preserve the Turn, to even improve upon the Manner, to breathe the Spirit of an Original, is what no Application can compass, no Learning communicate; tho' it ought to be the indispensable, the chief Character of a Translation. But it must be own'd, that few, very few Translators have ever attain'd, tho' almost all of them have attempted this Excellency. Their want of Success can never be imputed to their want of
Know-

Knowledge, in the Language they translated from, since some of the best Critics in the dead Languages, both in *England*, and other Parts of *Europe*, have attempted to translate the Works of some one or other of the Antients, and in the Execution have succeeded no better, often not so well as Translators of but a very small Share of Classical Learning.

Nor can their Want of Success be owing to their not having a competent Knowledge of the Language in which they themselves wrote. For we have in our own Country, several Instances of our best, and most pure Authors, who have excell'd in every other Species of Writing, and when they have attempted the Translation of a good Classic, have fallen miserably short of their own Characters.

The Reader will pardon me if I say farther, that it is not even the want of Genius, that has occasion'd the bad Success of Translators. For, tho' a Writer may have Genius, yet it is the habitual

xx P R E F A C E.

Acquaintance with that Manner which characterizes his Original, that alone can give him any Success in his Attempts to translate. This is the real Source of all those Defects, and all that Poorness which appears in most of our Modern Performances, when plac'd by their great Originals. It is *living Manners* alone that can communicate the Spirit of an Original, which, tho' it is not the only, yet it is an indispensable Excellency of a good Translator.

But I can easily perceive, that my Reader, by this Time, thinks I have advanc'd a very strong Argument why the Translation of no Antient shou'd be undertaken, far less an Ancient, whose Station and Dignity in Life was once as exalted as his Fame and Character in Writing is now; since it is impossible for any Man alive to enter into those Scenes of Life, which while he was alive distinguish'd his.

But I am far from meaning, that one is to live over the Life, and enter into the same Pursuits that engag'd his Author.

P R E F A C E. xxi

Author. It is sufficient if he has made it his Business to be as conversant as he cou'd in that Study and Manner which comes the nearest to what we may suppose his Author, were he now to live, wou'd pursue, and in which he wou'd shine. Without this a Man can no more enter into the Spirit of his Original, than he can write the Description of a fine Rural Prospect, without ever leaving the Smoke and Streets of a crowded City.

It remains now that I shou'd account for the Assistances of this kind which I have received. This perhaps may not be so easy, for it will be very difficult to fix upon any Profession of Life, in which a Man, with all the Assiduity and Application in the World can be of any Assistance towards his succeeding in imitating the Manner of a *Roman* Consul and Orator.

So far as I have been able to observe, the Orations of *Cicero* may be divided into three sorts, *viz.* those which he pronounc'd as a Magistrate,

xxii P R E F A C E.

as a Senator, and as a Counsel. In each of those, it is easy to discern, that a sepeerate Character predominates; as a Magistrate, *Authority*; as a Senator, *Freedom*; and as a Counsel, *Art*; yet in each, all the three Characters are so blended, that notwithstanding the favourite Predominancy, each has its full Effect.

But besides the Difficulty of entering into that Manner in a Translation, even when one has the utmost Command of Language, there is another great Disadvantage which the Translator must labour under, which is the different Character of the Assemblies where *Cicero* pronounc'd his Orations from that of any Assembly which now exists.

If we consider the Eloquence of the Pulpit, as practis'd here in *England*, it is quite different from the *Forensian*. In other Countries, indeed, where a more declamatory manner is indulg'd, and successful, the Language of a *Roman* Orator, in a few Instances, may
become

P R E F A C E. xxiii

become the Mouth of a Christian Preacher. *There*, a Latitude is granted in the free Use of the boldest Figures in speaking ; the Passions are principally address'd to, and the Whole of the Speaker's Art consists in the *Pathetic*. But this is far from the *cool*, the *close* Method of Preaching that obtains in *England*, where the Speaker principally applies to convince the Reason, and to improve the Understanding, divested of all the Boldness of Figures, void of all the Emotions of the Enthusiasm, which enters into that Manner that is proper to move a popular Audience : Yet after all, it is very possible for a Preacher, who hath thoroughly study'd *Cicero*, to adopt one Species of his Pleading to the Pulpit with great Success. This is what one or two of the *French* Preachers have done, and have thereby acquir'd great and merited Esteem.

The next Species of Eloquence, which seemingly can be of use to a Translator of *Cicero's* Orations into
C 4
English,

xxiv P R E F A C E.

English, is that of the Bar ; but here he receives, if possible, still less Assistance than from the Pulpit. The Laws by which *Roman* Causes were decided, were few, plain, short, and some times so indefinite were the Terms in which they were conceiv'd, that a great deal was left to the Art of the Pleader, and much to the Will of the Judge ; add to this, that most of the Terms introduc'd were Vernacular and in use, so that their Pleading was not technical but familiar. I need not say how much the Reverse of all this is the Practice in *Westminster-Hall*, where Knowledge and Experience can baffle the purest Language, the most beautiful Figures, the most artful Disposition, and the most exquisite Genius that can appear in any Pleading ; nay, I may venture to say, that were *Tully* to plead in the *English* Language, and in his own Manner in *Westminster-Hall*, however his Eloquence might be admir'd, his Success wou'd be but very indifferent.

It

P R E F A C E. xxv

It is, therefore, from the Language practis'd in an Assembly, wherein every Member is a Senator, constitutionally equal in Voice, in Freedom, in Dignity ; an Assembly neither subjected to controuling Power, nor ty'd up to technical Terms ; an Assembly, where Freedom of Debate is the principal Privilege ; where every Member is at Liberty, while he decides as a Judge, to speak as a Counsel ; an Assembly, to whose Cognisance Matters of Property and of Government are equally subjected ; it is, I say, the Language of such an Assembly only that can be adapted to the Translation of an Author who speaks in the Character of a Senator, a Magistrate, and a Counsel : Such an Assembly there is in *Britain*, and in *Britain* only, where, by a constant Attendance, in which I was indulg'd for several Years, I endeavour'd to possess my self of the Language most proper for this Translation.

But

xxvi P R E F A C E.

But tho' it is owing in a great Measure to the Constitution of our Government, that such a Language is used in the two Houses of Parliament, as might become a *Roman* Senate, or a *Roman* Forum, yet this of itself had been insufficient for my Purpose, were there not now some Members of both, whom *Cicero* himself, were he alive, would hear both with Delight and Jealousy. It was by possessing myself strongly, in what Manner one or other of these great Men would express the same Thought in *English*, before a *British* Senate, that, if I can boast of any Success in the following Translation, I have succeeded.

It remains, that I should say somewhat with Regard to the Conduct of the Work itself. Every Reader no Doubt will be struck with the Orations not being publish'd, in the Order in which they lie in the Original. The true Reason why they are not, is, because my Intention at first, was only to have publish'd the three first, which
he

P R E F A C E. xxvii

he will find in the first Volume of the following Translation; but the Partiality of some Gentlemen, whom I imagine to be Judges, gave me Encouragement after the three first were printed off, to go on with the others. Besides, as the Subject of every Oration is independant of another, the Order in which they are here plac'd, can be very little Inconveniency or Loss to the Reader. As to these Orations in which the Subject is the same, such as those against *Verres*, *Catiline*, and *Antony*, they come successively in the Translation, as in the Originals.

The Notes which are at the End of every Volume, I at first design'd to have been much larger than they are, but finding them to swell to an unmeasurable Size, I thought it was best to abridge them to the Conveniency of the Reader. For this Purpose, I have taken nothing into them, but what is absolutely necessary for clearing any Author's Meaning, as it appears in this Translation.

After

xxviii P R E F A C E.

After what I have already said with Regard to the Perplexity and Uncertainty, which occurs in almost every Page of the Text, nay, in every ten Lines, it would be the Height of Presumption, should I not own, that in many Places, I am doubtful if I have hit the Meaning of my great Original; and but in too many, I am sensible, it may be improv'd even by myself, upon a farther Review. The prodigious Application and Uncertainty of consulting *Authors, Lexicons, Historians, Commentators, &c.* often for four or five Days, before I could fix the Meaning of three Lines in my Original, will be a Plea for the Inaccuracies of the Press; one Passage requiring sometimes to be so often alter'd or amended that it was impossible to prevent many Typographical Errors from creeping in.

The Assistances and Helps I have had from many Gentlemen, especially from those with whom I have not the Honour to be personally acquainted, I shall always gratefully acknowledge.

Some

P R E F A C E. xix

Some Hints and Corrections, indeed came too late, and after the Work was printed off, and therefore not used, but none were neglected.

Since the Translation of these Orations were finish'd, the History of the Life of my Author has been publish'd by the Rev. Dr. *Middleton*; a Work that, in itself, is the best and truest Commentary upon the Orations of *Cicero*; and has prevented many Notes, which otherwise must have been annex'd to this Translation. As this Book is in every Body's Hands, I need not recommend to my Readers how much a Knowledge of the *History* of *Cicero* contributes towards perfectly understanding his *Works*.



A R G U-



ARGUMENT.

THE Oration, which the best Judges look upon as the Master-piece of Tully's Eloquence, was pronounc'd upon the following Occasion.

The first Symptoms of the Ruin of the Roman Liberty, broke out in the avow'd Corruption employ'd by the several Candidates for Publick Offices : But as the Interests of the Competitors flourish'd or sunk in Proportion as they possess'd the Means of Corruption ; when these fail'd, they often had recourse to Arms, and proceeded to Blood and Riot. In the 701st Tear, from the Building of Rome, three powerful Competitors appear'd for the Consulate ; Milo, who seems to have been supported by the greater Senatorial Interest, and Publius Plotius Hypseus, with Quintus Metellus Scipio, who had all the Interest of Pub. Clodius, then a Candidate for the Pretorship, and a profess'd Enemy, on many Accounts,

A R G U M E N T.

counts, to Milo : Thus, tho' the Office, for which the Competitors with Milo contended, was superior in Dignity to the Pretorship, yet the Struggle was generally look'd upon, by reason of the great Interest of Clodius with the People, as lying betwixt Milo and Clodius, the other two Candidates being but the Tools of Clodius. What made the latter more eager in opposing Milo was, he himself being a Candidate for the Pretorship that Year ; and resolving to attempt several fundamental Alterations in the Laws and Constitution of his Country, he despair'd of Success if Milo was Consul.

But Milo, supported by Men of the greatest Quality, Authority, and Property, was named to the Consulate by the almost unanimous Voice of the Electors, which drove Clodius to the Necessity of opposing him in a lawless, tumultuous Manner. Milo, who by an excessive Profusion, had gain'd a strong Party to his Interest, never fail'd to repel his Adversary ; and these Bickerings render'd it impracticable to proceed to the Election in a regular Manner at the usual Time ; so that towards the Middle of January the Competition was still depending ; nor could all the Interest of Milo procure an Interrex to be chosen for proceeding to a Definitive Election.

*It is hard to say into what Convulsions these Struggles must have thrown the Roman State, had not the Death of Clodius, by the Hand of Milo, taken off the most formidable Enemy of
the*

A R G U M E N T.

the Senatorial Power. The Reader, in perusing the following Oration, and in my Notes to be annex'd to this Volume, will learn the Circumstances of the Encounter betwixt him and Milo. It may, however, be necessary to premise, that the Body of Clodius being convey'd to Rome, from the Appian Way, the Scene of the Encounter, was carried on a Couch into the Forum, and by the Madness of Sextus Clodius, a Creature of the Deceas'd, consum'd with the Desks, Benches and Seats fixed in the Courts of Justice, but now torn up by the enrag'd Faction, to serve as a funeral Pile for the Body of Clodius. The Flame communicated itself to the adjacent Buildings, and the Courts of Justice themselves, were soon reduc'd to Ashes. This Outrage created a universal Consternation in Rome, which in a great Measure soften'd the publick Resentment against Milo; or, at least, a-waken'd a-new the Remembrance of all the Crimes of Clodius.

In the mean Time, an Interrex was chosen in less than two Days after the Death of Clodius; the Clodian Faction, thinking it now a proper Time for carrying the Election in Favour of their two Consuls, demanded the Interrex, who was Marcus Emilius Lepidus to hold the Comitia, and proceed to the Election. But he excus'd himself, because, his Interregal Power lasting no longer than five Days, the assembling of the Comitia belong'd to his Successors in that Office. Upon this the Clodian
Faction.

A R G U M E N T.

Faction enrag'd to Madness, be-set his House, and proceeded to the most unjustifiable Outrages, and had certainly assassinated Lepidus, had not Milo's Party, who by this Time recover'd their Spirits, thro' the Impopularity of their Opponents on Account of their burning the Forum, interpos'd with the same Demand. The two Factions then falling upon one another, preserv'd the Person, and prevented the Demolition of the House of Lepidus.

Various were the Traverses, which this Affair met with in the then unsettled State of the Roman Government; they terminated however in this, that Pompey was created sole Consul; and three Days after his entering into Office, he propos'd and enacted two Laws, the one for enquiring into the Circumstances of Clodius's Death, the Assault upon the House of Lepidus, and the burning of the Forum, which were all adjudg'd to be Acts of Treason against the Commonwealth. The Second related to the Corruption of the Candidates for publick Offices, and a Regulation of publick Tryals.

These Laws, especially the latter, was eagerly oppos'd, by Marcus Cælius a Tribune of the People, and a Friend of Milo, whom the former insisted should be try'd in the ordinary Form by the acting Pretor. But Pompey with Menaces over-rul'd this Opposition. After this Pompey made a new Law, by which it was enacted, that an extraordinary Presi-

A R G U M E N T.

dent of this Trial should be created out of those who had pass'd Consul. Upon this the Comitia being held, Lucius Domitius Aenobarba was recommended by Pompey as President, with the other Judges, Men of the greatest Abilities and Integrity in Rome. In the mean Time, the Accusers of Milo, who were the two young Appii Kinsmen of Clodius, demanding from the Senate, that Milo should be try'd upon Pompey's late Law. Fulius a Senator, by Virtue of his Authority, requir'd the Proposition contain'd in that Law to be divided; that is, that the Death of Clodius should be try'd separately from the other two Acts of Treason, which being agreed to, was look'd upon as a farther Hardship upon Milo. After the Evidence for the Prosecution had been heard before this Court, which Pompey to prevent the violent Efforts of either Faction, had guarded with a strong Body of regular Troops. Cicero was admitted to proceed to the Defence of the Criminal. But he was so daunted at the View of the arm'd Force, that we are told, he made so poor and frigid a Defence, that Milo was condemn'd by the Court. Therefore, the following beautiful Harrangue, suppos'd to be deliver'd that Day is thought to have been penn'd by Tully, and to have receiv'd all its Beauty, and Fire, some Time after the Sentence was pass'd.

All this happen'd in the Tear of Rome 701, and in the 54th of Cicero's Age.



M. T.
C I C E R O's
O R A T I O N
F O R
M I L O.

 **H O'**, my Lords, I am apprehensive, that when I enter upon the Defence of a brave Man, it may be thought mean to betray any Symptoms of Cowardice, or to be unable to support my Pleading, with a Dignity of Courage equal to that of *Titus Annius Milo*, who is less concerned about his own Fate, than that of his Country; yet am I dismayed with this unusual Pomp of Justice, this unprecedented Array of Terror: My Eyes, in vain, on all
B fides,

fides, search for the venerable Forms, and ancient Appearances of the FORUM; your Bench is environed with Attendants, and the Bar with Guards, hitherto unknown at a
5 *Forum Trial*.

FOR these Troops, which stand before the Temples, however they are meant to protect the Judges, strike Terror into the Pleader;
10 and though the Guards, with which this Forum and these Walls are lined, may be salutary, perhaps necessary; yet the very Means of *Safety* awaken the Idea of *Danger*. Yet, did I think that these Soldiers were
15 placed there in order to influence this Trial in prejudice of *Milo*, I would yield, my Lords, to Necessity, nor imagine that Eloquence can *prevail*, where so formidable an Appearance *overawes*. But I am supported
20 and encouraged by the Conduct of *Pompey*, who, as he is a Person of the most consummate Justice, will never expose to the Sword of the Soldier, the Man whom he has given up to the Judgment of this Court; and
25 as his *Wisdom* is equal to his *Justice*, he must think it inconsistent with *both*, should he strengthen the Fury of an enraged Multitude by the Sanction of Supreme Authority.

THERE-

THEREFORE, those *Arms*, those *Officers*, those *Troops*, are placed not to *overawe*, but to *protect*; while I plead, they bid me, my Lords, speak with *Composure*, nay, with *Courage*, and promise me not only *Safety* 5 but *Attention*. The rest of the Multitude, so many, at least, as are *Roman* Citizens, is on our side; and every Man of them, whom you perceive crowding the Places from whence the smallest Part of the Forum can 10 be viewed, expecting the Event of this Trial, is interested in our Favour; and thinks that the Sentence which condemns or acquits *Milo*, fixes the Fate of himself, his Posterity, his Country, and his Property. 15

ONE Sett of Men are indeed our determined inveterate Enemies; I mean those Robbers and Incendiaries trained up by the Madness of *Clodius*, and supported by Rapine, 20 Burnings, and every destructive Species of public Calamity; who, instigated by the Speeches of Yesterday, had the Insolence to dictate to you in what manner you were to decide. But I hope, if these Clamours are 25 to have any Effect, it shall be that of recommending to your Protection, as a Citizen, the Man who, for your Safety, always disregarded those Ruffians and their Threatnings.

THEREFORE, my Lords, let Fear, if you have any, be laid aside, and act with Spirit. For if ever you had a *Right* to judge of the Honest and the Brave; if ever the Liberty of
 5 worthy Citizens *was in your Hands*; if ever Men selected from the most illustrious of our Orders, had an Opportunity to render effectual, by their Conduct and Decisions, those favourable Intimations which they had
 10 before often given by their Looks and Words; you at this instant have it in your Power to pronounce whether we, who have still been devoted to your Authority, should languish under Oppression; or, after long Per-
 15 secution, by the most abandoned Citizens, at last be relieved by your Integrity, Virtue and Wisdom?

FOR what, my Lords, can be more irk-
 20 some, what can be expressed or conceived more exquisitely tormenting, than that we, whose Services to our Country gave us a Right to expect the highest Honours, should now be subjected to the Dread of the most
 25 infamous Punishment? I thought, indeed, that all the Storms and Tempests, which *tumultuary Faction* and *distracted Counsels* raise, must break upon the Head of *Milo*, because he has ever patronized *Virtue* against
Licen-

Licentiousness; but little did I imagine, when the Affair was brought to a regular Trial, wherein the greatest and most illustrious Men in *Rome* were to sit as Judges, that the Enemies of *Milo* should harbour a Thought 5 of succeeding, while such Men were on the Bench, in their Endeavours, not only to affect his Life, but to stain his Glory.

My LORDS, unless you shall see to the 10 strongest Conviction, that the Prisoner was treacherously beset by *Clodius*, I shall not endeavour to influence your Judgment upon this Fact, by displaying the Tribuneship of *Annius*, nor the Conduct of his whole Life, 15 spent in a Series of successful Services to his Country. Neither shall I plead the Merit of those Services as an Atonement for one rash Action; nor suggest, that if the Safety of you, who sit on that Tribunal, was incom- 20 patible with the Life of *Clodius*, your Deliverance was owing to the Virtue of *Milo*, rather than the Guardian Genius of *Rome*. But if the Treachery of *Clodius* should appear plain as the Sun at Noon-day, I shall, 25 my Lords, beg, I shall conjure you, if we have lost all other Advantages, that we may retain this one poor Privilege of defending our

our Lives against the unjust Violence of our Enemies.

BUT before I touch upon these Points
 5 that more immediately affect the present
 Question, some Things advanced in the Senate often by our Enemies, by Ruffians, and lately by our Accusers before an Assembly, are to be discussed; that every Medium of
 10 Error being dispelled, you may judge of the naked Merits of the Cause. They, my Lords, deny that a Man, who confesses he has killed another, should be suffered to live. In what Place do these Fools think they are
 15 arguing? Surely not in that City, where the first Decision in a capital Case was upon the Life of the brave *Horatius*; who, before the Date of *Roman Liberty*, was acquitted by the assembled Comitia of the *Roman*
 20 People, tho' he *confessed* that with his own Hand he had killed his Sister.

Is any Man so ignorant as not to know
 25 that in Cases of Bloodshed, the Fact is either absolutely denied, or, if admitted, maintained to be just and lawful? Were it not so, *Africanus* must be deemed a Madman; who being publickly asked by *C. Carbo*,
 the

the factious Tribune of the People, what was his Opinion of the Death of *Gracchus*? answered, That he was *lawfully* killed. Nor can the great *Abala Servilius*, *P. Nafica*, *Opimius*, *Marius*, or the Senate when I was Consul, be reckoned otherwise than criminal, if it is a Crime to put to Death the Abandoned of our own Country. Therefore, my Lords, it is not without Reason that some ingenious Writers have, in fabulous Histories, informed us, that when a Difference in Opinion arose with regard to the Man who had revenged the Death of his Father by that of the Murderers his Mother, the Parricide was acquitted by the Oracle; an Oracle too, my Lords, pronounced by the Goddess of Wisdom herself. And if the twelve Tables have made it lawful, absolutely and unconditionally, to kill a Thief in the *Night*, and by *Day*, in case he shall defend himself with a Weapon; who can be so unreasonable as to think that no *Circumstance* or *Manner* attending the killing of any Man, ought to excuse the Person who kills him, from Punishment? Since it is plain that the Laws themselves sometimes put into the Hands of the Innocent, the Sword that is to chastise the Crimes of the Guilty.

BUT if there can be a Time, as there are many, when this is not only lawful but necessary, it is, when *Force* can be repelled only by *Force*. When a Military Tribune, 5 a Relation of *Caius Marius*, attempted to pollute the Body of a Soldier in that General's Army, the Ravisher was killed by the Soldier, who was acquitted by that great Man; since the virtuous Youth chose to 10 avoid, at the Hazard of his Life, what he could not suffer without the Violation of his Honour. But to a Traitor and a Robber what Death can be deemed unjust?

15 WHAT avail these very Guards, and to what Purpose are they suffered to wear Swords, if they are suffered upon no account to use them? The Law therefore says, that when our Life is endangered by Treachery, or by 20 the insidious Attacks of Robbers and Enemies, all the Means which we can use for our Deliverance, are justifiable. This, my Lords, is a Law not adopted by Custom, but inherent to our Being; a Law not received, 25 learned, or read, but an essential, congenial, inseparable Character of Nature; a Law to which we are not educated, but formed; not derived from Authority, but existing with Consciousness. In short, my Lords, Statutes
are

are silenced by Arms; nor do they presume that a Man is to wait for the formal Decision of a Court, while the Sword of Violence is ready to put an End to his Life.

5

EVEN that very Law which prohibits not only Murder, but the carrying a Weapon with a design to murder, wisely, and in some measure tacitly, establishes the Right of Self-defence; that when the Enquiry is not 10 upon the Manner, but the Reasons of a Man's being killed, the Person, who kills another with a Weapon in Self-defence, may never, in the Construction of the Law, be presumed to wear that Weapon with a mur- 15 derous Intention: I shall therefore, my Lords, let that stand upon its own Bottom, and I make no doubt of being able to prove my Defence, if you keep in your Eye, what it is impossible you should lose sight of, I mean, 20 the Lawfulness of killing the Man who lyes in wait to murder you.

I COME now to consider an Objection which is frequently in the Mouths of *Milo's* 25 Enemies; that the killing of *Clodius* was declared by the Senate to be an Act of Treason against the Common-wealth. But, my Lords, how often did the Senate, not only solemnly

solemnly, but zealously, approve the Action? How often was this Affair canvassed in that Assembly? How great was the Satisfaction of the whole Order? How loud, how un-
 5 reserved their Applause? How seldom in the fullest House were found four, or at most, five Senators, who did not take the Part of *Milo*? For the Truth of this, my Lords, I appeal to the dark *Cabals* of that *scorched* Tri-
 10 bune, in which he alledged, that the Senators decreed not according to their own Sentiments, but in Compliance with my Direction; and daily inveighed against my *Power*. If you chuse to call it *Power*, rather than a
 15 reasonable Degree of Authority in a rightful Cause, to which one may have a Title by extraordinary Services to his Country; or a moderate Credit with worthy Men, on account of my painful Endeavours to promote
 20 the public Good; you may term it so, provided I shall always exert it in Protection of the Virtuous against the Fury of the Wicked.

BUT this extraordinary Trial, tho' I am
 25 far from blaming it, was what the Senate never thought fit to grant; because many Laws and Precedents both with regard to Riots and Murders are extant. Nor indeed was that Assembly so deeply affected by the
 Death

Death of *Clodius*, as to issue out any such extraordinary Commission. For who can imagine that the same Senate, who was deprived of the Power of judging him upon the Commission of an incestuous Whoredom, 5 would grant any extraordinary Trial for inquiring into the Circumstances of his Death? But why did the Senate adjudge the Burning of the Court, the Demolition of the House of *Lepidus*, and this very Bloodshed, 10 to be Acts of Treason against the Commonwealth? Because all Acts of Violence, committed in a free State by one Citizen against another, are, in the Eye of the Law, presumed to be committed against the State. 15 For, tho' no Defence against a violent Attack is ever *eligible*, yet sometimes it may be *unavoidable*; otherwise we might as well affirm, that the Public received no Wound on the Day when the *Gracchi* were killed, and when 20 the armed Force of *Saturninus* was suppressed, even tho' all was done for the Public Welfare. Therefore I was of Opinion, that when it appeared that a Man was killed on the *Appian* way, the Person who acted 25 on the defensive was guilty of no Act of Treason against the State. But as the Case included a Charge of premeditated Violence, I reserved the Decision of that to the proper Judges,

Judges, and I admitted of the Fact. And if the Fury of that seditious Tribune had suffered the Senate to act according to its own Sentiments, we should at this time
 5 have had no new Commission for a Trial; for the Senate was coming to a Resolution, that the Affair should be tried in an extraordinary Manner, only according to our ancient Laws. The Vote was divided, at whose re-
 10 quest I shall not say; for it is unnecessary to display the personal Faults of every Man; thus the remaining Authority of the Senate was by a mercenary Interposition abolished.

15 BUT it may be said that *Pompey*, by the Bill which he brought in, had an Eye both to the *Action* and its *Motives*. For its enacting Clauses related to the Bloodshed committed in the *Appian* way, where *Publius*
 20 *Clodius* was killed. But what did it enact? Why, that it may be enquired into. What was to be the chief Point of Enquiry? Whether it was committed? But Nobody disputes that it was. Then, by whom?
 25 That likewise is undisputed. Thus *Pompey* perceived, tho' the *Fact* was confessed, yet that still a Matter of *Law* might arise to acquit the Prisoner. I say, that unless *Pompey* had been sensible that the Prisoner, upon
 Confession

Confession, might be acquitted, when he perceived that we confessed, he would never have ordered a new Commission for a Trial, nor have put, my Lords, into your Hands, a *saving* as well as a *condemning* Letter. But to me, *Pompey* seems not only to have decreed nothing harsh against *Milo*, but his Decision appears to direct you in the Point which you ought principally to have in View. For to grant a Person, who is convicted of a Fact upon his own Confession, the Liberty of making his own Defence, is a plain Implication that the Judges are of Opinion, that the Enquiry ought not to be upon the Matter of *Fact* but of *Law*. Now *Pompey* is at Freedom candidly to declare, whether his Proceeding in this Affair was from a Regard to the Memory of *Clodius*, or to the Necessity of the Juncture.

M. Drusus, a Tribune of the People, a Man of the highest Quality, an Assertor, nay, in these Days, almost the Protector of the Rights of the Senate, and Uncle to the brave *Marcus Cato*, one of our Judges, was killed in his own House. But the People never intermeddled with the Enquiry into this Murder, nor did the Senate grant any extraordinary Commission for a Trial on that Account.

14 C I C E R O ' S O R A T I O N

Account. We have heard from our Fathers the Grief, the Consternation, which appeared in this City when *Publius Africanus* in the Night-time was assassinated as he reposed on
 5 his own Bed. What Breast then was so obdurate as not to sigh, what Heart so insensible as not to grieve, that a Man whom the Wishes of Mankind, could Wishes have prevailed, would have rendered immortal,
 10 should be cut off before the natural Course of his Life was fulfilled!

Was then no new Trial granted for enquiring into the Death of *Africanus*? None.
 15 Why? Because Murder is equally heinous in its own Nature, whether it is the Fate of the Eminent, or the Obscure. A Difference indeed lyes in the two Characters; but the impious Murder of the one is subjected to the
 20 same Penalty, and judged by the same Laws, with that of the other; unless it be said that the Crimes of a Parricide receive some Aggravation from his killing a Senator, beyond what they would have admitted of, had he
 25 been the Murderer of a private Person; or that the Circumstances of the Death of *Clodius* were more heinous, as he fell upon the Monuments of his Family; for that too has been insisted on; as if the great *Appius Cæcus*

Cæcus had paved that Road, not to be a Conveniency, and an Ornament to his Country, but as a Sanctuary to screen the Felonies of his Posterity.

5

WHEN *P. Clodius* on the same Road killed *M. Papirius*, that accomplished Roman Knight, his Crime must pass unpunished; for as he was a Person of Quality, he had only killed a Roman Knight upon the Monument of his own Family. What a fruitful Source of Declamation has this *Appian* Name afforded! While it was stained with the Murder of a brave and an innocent Man, it was never mentioned; but now that it is discoloured with the Blood of a Robber and a Murderer, it is become a Common-Place of Conversation. But why do I dwell upon these Circumstances? When a Slave of *P. Clodius* was seized in the Temple of *Castor*, where he had been placed to assassinate *Pompey*, the Wretch confessed the Design, as they were wresting the Dagger out of his Hand. *Pompey* afterwards absented from the *Forum*, he absented from the Senate, he absented from the Public, and thought fit to put himself under the Protection of the Walls and Gates of his House, rather than of the Laws and Judges of his Country. But did any Law at that time

10

15

20

25

time pass? Was any extraordinary Commis-
 sion for a Trial then granted? Yet if ever
 any Circumstance was so affecting, if ever any
 Person was of such Dignity, if ever any
 5 Juncture was of such Importance, as to make
 that Measure expedient; in this Case they all
 strongly operated: A Traitor was posted in
 the Forum, even in the Threshold of the
 Senate-House, with a Design to assassinate the
 10 Man, upon whose Life the Preservation of
 the State depended, and at a Juncture too, so
 critical to the Republic, that had he then
 fallen, not only this City, but the Body of the
Roman Empire, must have shared in his Fate.
 15 And did he escape Punishment only because
 his Designs proved abortive? As if the Laws
 of *Rome* were to regard not the Intention of
 the Criminal, but the Success of his Crime.
 The Villany not being perpetrated, did indeed
 20 alleviate the Grief of the Public, but never
 could extenuate the Guilt of the Villain.

How often, my Lords, have I myself es-
 caped the threatenng Sword, and butchering
 25 Hands of *Clodius*? And if I had not owed
 my Safety to my own, or my Country's
 good Fortune, where is the Man who would
 have procured an extraordinary Trial upon
 my Death? But it is weak in me to presume

to compare a *Drusus*, an *Africanus*, or a *Tully*, to *Clodius*, their Lives could easily be dispensed with; but at the Thought of the Death of *Clodius*, the Senate is afflicted; the whole equestrian Order grieved, the City 5 all of a sudden is struck with Age and Infirmary, the *Roman* Corporations are in Mourning, our Colonies in Consternation, even the Fields themselves regret the Loss of a Citizen, so benevolent, so upright, and so hu- 10 mane. These were not, my Lords, indeed they were not, the Reasons why *Pompey* thought himself obliged to order a Commission for a new Trial. But that prudent Person, who is endued with an almost divine Pene- 15 tration comprehended many Points within his View. He reflected that *Clodius* was his Enemy, that *Milo* was his Friend, and justly dreaded, that if he appeared to share in the general Joy, the private Tyes of a newly- 20 cemented Friendship might seem too feeble.

He had a great many other Circumstances in his Eye; but this especially, that tho' he was obliged to enact with Severity, yet 25 that you, my Lords, would judge with Equity. He therefore chose for Judges the very Lights of our most illustrious Bodies, nor, as has been falsely asserted, did he keep

C

my

my Friends out of the Commission. This is what that excellent Person never had in his *Thoughts*; and if he confined his Choice of the Judges to Men of Probity and Honour, he could not have had it in his *Power*. My Influence, my Lords, is not confined to my intimate Friends, who are far from being numerous, because the endearing Familiarities of Life can never be very extensive; but
 10 owing to the Connections which my public Character has led me into with the best Men in the Common-wealth. As *Pompey* therefore wisely thought that his Reputation was interested in chusing the *best* from among all
 15 *good* Men to sit upon that Tribunal, he was under a Necessity of chusing my Friends.

IN making you, *Lucius Domitius*, the President of this Court, he consulted nothing
 20 but Equity, Disinterestedness, Humanity and Honour. By his Law he enacted that the Chief of the Commission should be a Person of Consular Dignity, because, I suppose he held it as a Maxim, that Men of Distinction
 25 ought to be Proof against the Attacks, both of an inconstant Populace and a desperate Faction: And that he distinguished you from the rest of your Order, is owing to the many conspicuous Proofs, which from your early
 Youth

Youth you have given of your Contempt of popular Madness.

THEREFORE, my Lords, that we may at last come to the Nature of this Crime, and the Merits of the Question; if the Confession of the Fact is by no means unprecedented, if the Determination of the Senate has been entirely agreeable to what we contended for, if the very Enactor of the Law was of Opinion, that tho' no Question of Fact could arise, yet there might of Law, and if equitable Judges and a wise President have been appointed for this Trial, all that remains now to be discussed is, who the Party was that laid the Ambush for the other. That I may more easily and clearly handle this Point, I beg your Attention while I give a short State of the Fact.

20

AFTER *Publius Clodius* had resolved, when created Prætor, to plague his Country with every Species of Oppression, and saw from the Management of the *Comitia* the Year before, that he could not for many Months enjoy his Dignity; remarkably insensible of the Duty of his Office, unwilling to act in Conjunction with a Citizen of the consummate Virtue of *Lucius Paulus*, and desirous

of having his Power to oppress his Country extended to twelve Months, he all of a sudden reserved the Interest he had made for that Year, to the succeeding; not from any Principle of Virtue, but as he himself owned, that he might have a full and complete Year for enjoying his Prætorship, or in other Words, for *ruining his Country*.

- 10 HE reflected that the Exercise of his Prætorial Power must be cramped and feeble under *Milo*, whom the universal Applause of the *Roman* People was ready to raise to the Dignity of Consul. He then struck in with
 15 the Candidates who opposed *Milo*, but so, as to manage the whole Sollicitations, and overrule them in every Instance; that, as he himself boasted, he might support all the Courts of Justice upon his own Shoulders. He summoned the Tribes: He thrust himself into
 20 their Deliberations, and formed a new *Collinian* Tribe, by enrolling into it a Number of the most abandoned Citizens. The more that *Clodius* endeavoured to confound, the
 25 more *Milo* appeared to prevail. But when the execrable Villain saw that this brave Man, this irreconcilable Foe, must infallibly be Consul; when he found his Election sure, not only by the Discourses, but by the Votes
 of

of the *Roman* People, he then threw off the Mask, and openly declared that *Milo* must be slain.

HE next brought from the *Appenines* those 5
rustic barbarous Slaves whom you saw, by
whom he had depopulated the public Forests
and plundered *Tuscany*. This was by no
means a dark Transaction, for he openly
boasted, that if he could not deprive *Milo* of 10
the Consulate, he could of his Life. This
he hinted in the Senate, and declared in the
Assembly: For when *Favonius*, a Man of
Virtue and Courage, asked him what had
become of all his Hopes of gratifying his 15
Fury, if *Milo* lived? He answered, *That three,*
or four Days at most, should see him dead.
This Expression was immediately communi-
cated to *Marcus Cato* by *Favonius*.

20

IN the mean time, as soon as *Clodius* knew,
for the Thing was no Secret, that *Milo* was to
set out upon a solemn, a legal, an indispensable
Duty, and that he was obliged by the 18th
of *January* to be at *Lanuvium*, where he 25
was Dictator, in order to appoint a Priest, he
suddenly went from *Rome*, as appears by the
Event, that he might surprize *Milo* in his
own Grounds. Nay, he was so precipitantly

bent upon his Treachery, as to leave a tumultuous Meeting which he had summoned that very Day, and which required to be animated by his own factious Spirit. This he
 5 never would have done, had it not been resolved to be exact to the precise Time and Place of the Assassination.

MILO, who had that Day been in the
 10 Senate-house, as soon as the Senate broke up, came home, shifted his Shoes and his Cloaths, and as usual, waited a little until his Wife should be in Readiness to attend him: He then set out, much about the very
 15 Time when *Clodius*, had he designed to come to *Rome* that Day, might have returned. *Clodius* meets him, equipped, upon Horse-back, unattended by his Chariot, without any Incumbrances, without any of
 20 his *Grecian* Servants, and, what was more extraordinary, without his Wife. While the Traitor at the Bar, who had set out with a murderous Intention, was riding in a Chariot with his Wife, muffled up in his
 25 Cloak, surrounded by a numerous Incumbrance of common Servants, fearful Women, and feeble Boys.

ABOUT an Hour before Sun-set he meets
Clodius

Clodius near his own Estate; a Body of Men, taking Advantage of a rising Ground, immediately attack him with their Darts; his Coachman is killed; he himself, throwing off his Cloak, springs to the Ground, that he might 5
 sell his Life as dear as he could. The Party which was with *Clodius* drawing their Swords, run back to the Chariot that they might attack him in the Rear; another, who imagined him already dead, began to murder his Slaves 10
 who were coming up; some of them, who were true to their Master, and were most forward, were killed; while the others saw the Encounter near the Chariot, and unable to advance to their Master's Assistance, heard from 15
Clodius himself that he was dead, and actually believed he was: The Slaves of *Milo* then acted, I speak it not with an Intention to defend the *Crime*, but to represent the *Fact*, without the Orders, without the 20
 Knowledge, without the Presence of their Master, as every Man would wish his own Servants should act were he in the like Circumstances.

25

THIS, my Lords, is the naked *Fact*; the Traitor was conquered, and *Force* repelled by *Force*, or rather Audaciousness was chastised by Courage. I shall not mention the Con-

sequences of this Action to the Republic,
 to you, and to every good Man: *Milo* alone
 is the Sufferer; *Milo*, whose Fate it is, that he
 could not even preserve himself without
 5 saving you and his Country. If this was un-
 warrantable, I will then give up his Defence,
 but if Reason prescribes to the Instructed,
 Necessity to Barbarians, Custom to Nations,
 and Instinct to *Brutes*, that they ought, by
 10 every mean they can call in to their Assistance,
 to repel all Violence offered to their Bodies,
 Limbs, or Lives. You, my Lords, surely can-
 not adjudge this to be an unlawful Action,
 without at the same Time putting every Man
 15 who falls into the Hands of Ruffians, upon
 the melancholy Alternative of perishing,
 either by their Swords, or your Decisions.

HAD *Milo*, my Lords, been of this
 20 Opinion, it had been much more eligible
 for him to have exposed his Throat to the
 Sword of *Clodius*, oftner than once before
 lifted against his Life, than to be butchered
 by you, only for refusing to be butchered by
 25 him. But if you are of a contrary Opinion,
 the proper Question then is not, if *Clodius*
 was killed, for that we confess, but if he was
 killed *justly* or *unjustly*; a Point of Enquiry
 that has been before canvassed in many
 Questions.

Questions. That Treachery was designed, is certain, and this the Senate adjudged to be an Act of Treason. By whom it was designed is uncertain, therefore this Court was constituted to inquire. Thus, the Decree of the Senate related to the *Thing*, not to the *Man*; and *Pompey* enacted not upon the Matter of *Fact*, but of *Law*. Is there therefore nothing else to be decided here but who was the Aggressor? Nothing. If *Milo* was, whether he ought not to be punished? If *Clodius* was, whether he ought not to be acquitted?

BUT how can it be proved that *Clodius* way-laid *Milo*? It is enough, my Lords, if so lawless, so presumptuous a Brute found strong Reasons persuading, flattering Hopes inviting, and vast Advantages arising from the Death of *Milo*. The Question of *Cassius* therefore, WHAT COULD BE THE INDUCEMENT, is very applicable here. Though no Advantage can tempt good Men, very trifling Considerations lead the Wicked, into Crimes. *Clodius*, by the Death of *Milo*, gained not only this Point, that when he was Prætor, the Villany of his Conduct could be under no Check from *Milo* as Consul, but likewise, that he must have been Prætor under these two Gentlemen, by whose Con-
vance,

vance, if not *Assistance*, he still hoped that the Republic might be betrayed into his frantic Projects ; he farther conjectured, that they would not, had it been in their Power, oppose his Designs, since they lay under so strong Obligations to him; and that, perhaps it might have been out of their Power, had they attempted to chastise the Presumption of so abandoned a Wretch, now confirmed and hardened by a long Perseverance in Wickedness.

ARE you then, my Lords, alone ignorant? Are you only Passengers in this City? Are you Strangers to what was the common Talk of the Town; which makes no Secret of the Laws, if they deserve that Name rather than that of the Scourges and Plagues of the City, with which he designed to brand and to fetter us all? *Sextus Clodius*, produce, produce that Register of your Laws, which they say you snatched like another Palladium from his House, amidst the Terror of Arms and nocturnal Riot, that you may transfer that illustrious Legacy, that System of Government to some future Tribune, if you can meet with any such, whose Conduct shall be directed by your Will. Now he surveys me with that Look, that Insolence of Look, with which to every Citizen he used to threaten every

every Danger : I am indeed struck with that Blaze that fired the Courts. But can you imagine, *Sextus*, that I am incensed against you? You, who inflicted a more cruel Punishment upon the Man I most hated, than my Humanity suffered me to require? You threw the bloody Coarse of *Publius Clodius* out of his House, you threw it into the public Streets ; you by Night abandoned it, stript of its Images, Pageantry, Pomp and Praise, half consumed with unhallowed Wood, as a Prey to prowling Dogs. All this, though you was compelled to do, yet can I not commend ; but as my Enemy was the Object of your Cruelty, surely I have no Reason to be offended.

You saw, my Lords, that the Prætorship of *Clodius* could neither have begun nor ended without putting the Public under the strongest Apprehensions of a fatal Revolution, unless the Man, who had both the Courage and Ability to controul him, had been Consul. As the whole *Roman* People threw their Eyes upon *Milo* for this Purpose, what Citizen could have hesitated a Moment to have bestowed his Vote in delivering himself from Dread, and his Country from Danger? But now that *Clodius* is removed, it requires extraordinary Efforts in *Milo* to support his Election.

Election. The Glory which was peculiar to him, and which daily increased by his stemming the *Clodian* Fury is now vanished by the Death of *Clodius*. You are, my Lords,
 5 indeed emancipated from the Insolence of a Fellow-Citizen; while *Milo* has lost the Object that exercised his Courage, the Interest that supported his Election, and the Fountain that supply'd his Glory. The
 10 Election of *Milo* to the Consulate, which in the Lifetime of *Clodius* was irrepealable, now that he is dead, begins to be disputed. Thus the Death of *Clodius*, instead of strengthening, has weakened the Interest of *Milo*.

15

BUT it may be said that Hatred prevailed, Anger prompted, and Resentment pushed him on; he avenged his own Wrongs, he redressed his own Grievances. No, my Lords,
 20 I will prove that these were Motives, I will not say more prevalent in *Clodius* than in *Milo*, but existing with the one in the highest Degree, and with the other in none; then what require you more? For why should
 25 *Milo* bear to *Clodius*, that Source, that Ripener of his Glory, any other Resentment than what every Patriot ought to bear to every Ruffian. But the Enmity of *Clodius* was grounded first on *Milo* being the Restorer
 and

Protector of my Liberty and Life; then upon his opposing and controuling his Violence and Fury, and lastly, upon his commencing his Accuser: For *Clodius* while he lived was liable to be convicted by *Milo* upon the *Plo-* 5
tian Law. Can you, my Lords, imagine that all this could go easily down with the overbearing Spirit of *Clodius*? How deep, and in an unjust Person even how justifiable, must have been his Hatred? 10

IT now remains that *Milo* should be vindicated by Arguments drawn from his Manners and Character; but these are wrested to convict him: For *Clodius* was all Gentle- 15
 ness, and *Milo* all Violence! How so, my Lords? When I bad my melancholy Adieu to you and this City, did I decline standing my Trial, or did I not retire from the Slaves, the Arms, and the Outrages of *Clodius*? 20
 Then where was the Justice in restoring me to Liberty, if he could be justified in driving me into Exile? He had summoned me, I know he had, to take my Trial; he had amerced me in a Fine, and impeached 25
 me of Treason. Had I Reason to dread the Event of a Trial in a Cause which as it related to you was infamous, and as it concerned me, inglorious? Was this the Case?

No,

No, but I was unwilling to expose my Countrymen, whose Liberties my Counsels had preserved, and whose Lives my Dangers had saved, to the Swords of needy Slaves and
5 profligate Citizens.

I saw, my Lords, I saw *Quintus Hortensius*, the present Light and Ornament of the Republic, almost assassinated by Slaves while
10 he waited on me; and in the same Tumult, the excellent *Marcus Vibienus* a Senator, who was in his Company, was hurt so that he dyed soon after. When did the Dagger bequeathed to *Clodius* by *Cataline* afterwards rest
15 in its Sheath? He aimed it at me; but I was unwilling that you, my Lords, should intercept the Stroke. It threatened the Life of *Pompey*; and stained the *Appian* way, that Monument of the *Clodian* Family, with
20 the Blood of *Papirius*. The same, the very same Dagger, you know it, was after long Intermision again lifted to my Breast, and lately had almost put an End to my Days at the Palace.

25

Is there any Parallel to this in the Character of *Milo*? Of *Milo*, my Lords, whose Power was never forcibly exerted but in preventing *Clodius*, when he could not be brought
to

to *Justice*, for violating the *Peace* of his rom
 Country. Had his Intention been to kill
 him, what full, what frequent, what glorious
 Opportunities had he? Must he not have
 been justified by every Law of Self-defence, 5
 had the *Ruffian* fallen in the Attack he made
 upon his House and Household Gods? Was
 not the Life of *Clodius* at the Mercy of *Milo*,
 when his Colleague *Publius Sextus*, a Citizen
 of distinguished Merit and Courage, was 10
 wounded? And again, when the excellent
Quintus Fabucius was abused, and when the
Forum was polluted with the Blood of in-
 nocent *Romans*, upon his proposing the Law
 which reversed my Banishment? Again, 15
 when the House of *Lucius Cæcilius*, that
 brave, that equitable Prætor, was assaulted?
 Again, when the Law in my Favour passed?
 When the chearful Voice of the assembled
 People of all *Italy*, arroused by a Concern for 20
 my Safety, decreed to *Milo* the Merit of my
 Deliverance; and had he then struck the
 Blow, *Rome* herself would have been proud
 to share in the Glory.

25
 AT that Time the noble and brave *Pub-*
lius Lentulus, the Enemy of *Clodius*, the
 Avenger of his Crimes, the Defender of the
 Senate, the Assertor of your Authority, the
 President

President of that Assembly, and the Restorer
of my Safety, was Consul: Seven Prætors,
eight Tribunes of the People, opposed him
and favoured me. *Pompey* too, the Proposer
5 and Patron of my Return, whom all the
Senate seconded in that important that il-
lustrious Decree which reversed my Banish-
ment, was his Enemy. *Pompey*, who en-
couraged the *Roman* People; and who upon
10 the Decree past in my Favour at *Capua*, gave
out the Watchword that united all *Italy*,
then imploring the Sanction of this Au-
thority, in a general Demand to have my
Sentence reversed. In short, so strong were
15 the Affections of the Public towards me, and
so invincible their Hatred to *Clodius*, that
had he then been killed, their Cares had not,
as now, been employed how to acquit, but
how to reward, the Man by whose Hand he
20 fell.

YET *Milo*, ever moderate, twice employed
the legal, but never once the violent Means
of Redress against *Clodius*. But what do I
25 talk? When *Milo* was liable in a private
Capacity to the Justice of the People, when
Clodius was his Prosecutor, when *Pompey* was
assaulted while speaking in Defence of *Milo*,
how easy, nay, how justifiable had it then
been

been to have killed him? Even lately, when *Mark Antony* had inspired every good Man with the Hopes of seeing better Days; when that noble Youth had bravely undertaken the weightiest Concern of his Country, 5 and held at Bay that Savage who had slipp'd his Neck out of the Toils of Justice: Immortal Gods! how favourable was then the Juncture, and how convenient the Spot for dispatching him? How easy had it been for 10 *Milo*, when *Clodius* sheltered his guilty Head beneath a dark Stair-case, to have dispatched that Curse of his Country, and thereby have at once consulted his own Safety, and completed *Antony's* Glory? 15

How frequent were his Opportunities, while the *Comitia* were held in the open Field? When *Clodius* had forcibly broke in upon the Palisades, and employed every 20 Outrage of Swords and Stones; and then, daunted with the Look of *Milo*, fled towards the River; how earnest were your, and every good Man's Wishes that *Milo* had then made the proper Use of his Superiority? 52

SHALL *Milo* then be suppos'd to incur the Resentment of private Pique, yet be deaf to the Voice of public Applause? Did he withhold his Hand when the Laws,

D

the

the Time, and the Place insured his Safety, and strike when the Rashness of the Deed, unfavourable Circumstances, and an untoward Juncture endangered his Life?

- 5 Especially, my Lords, as his Struggle for the highest Honour his Country can bestow, and the Day of his Election was at hand; a Day, (for I have experienced the Fears, the Anxieties, and the Cares, inseparable from
 10 *Ambition*, and a Desire of the Consulate) when we dread every thing, when we dread not only the Effect of *public* Report, but the Result of *private* Suspicion; when we tremble at the *idle* Rumour, and *invented*
 15 Story; when we explore the Looks and Features of every Man we meet: For nothing, my Lords, is so delicate, nothing so tender, nothing so frail, and nothing so ticklish, as the Opinion and Sentiments of our
 20 Fellow-Citizens on such Occasions; when they are apt, not only to resent the *dishonourable* Conduct, but to detract from the most *public-spirited* Measures of a Candidate.

- 25 SHALL *Milo* then, on the Day of Election, a Day which he wish'd, which he sigh'd to see, be supposed to approach that August Assembly with his Hands imbrued in Blood, his Looks betraying, and his Tongue confessing his Guilt? How unlike is this to the Man! Yet
 how

how natural was it for *Clodius* to imagine, that were *Milo* murdered, he must step into Power? For who, my Lords, is ignorant, that the Source of *Injury*, the Incentive to *Guilt*, is the Hope of *Impunity*? Where 5 might these Hopes then be presumed to lye? In *Milo*, who is now before you, arraigned for doing both a meritorious and an unavoidable Piece of Justice; or in *Clodius*, who had so thorough a Contempt both of Statutes and 10 Penalties, that he delighted in nothing that was not repugnant to Humanity, and inconsistent with Law?

BUT why should I reason, why dispute 15 any longer! I call upon you, *Quintus Petilius*, who are a brave and an honourable Man; I appeal to you, *Marcus Cato*, whom a certain divine Award has placed on that Tribunal. You were informed by *Favonius*, 20 you heard in the Lifetime of *Clodius*, he had threatned, *Milo* should not live for three Days. On the fourth Day he attempted what he had before threatned, and as he made no Scruple to disclose what 25 he designed, shall you be at a Loss to guess at what he acted?

BUT how could *Clodius* be certain of his

D 2

Day?

36 CICERO'S ORATION

Day? That I've already accounted for. It was an easy Matter to learn the Day set apart for the Sacrifices of the Dictator of *Lanuvium*. He saw that *Milo* was indispenfibly obliged
 5 to fet out for *Lanuvium* on that Day. He therefore was on the Road before hand. But on what Day? On that Day, as I obferved before, when a diftracted mad Affembly was fpirited up by the Arts of his own Crea-
 10 ture, a corrupted Tribune. A Day, an Affembly, and a Tumult, that he would have enjoyed, had he not been eager to execute the meditated Murder. Therefore he could have no Reason for going, but he had many for
 15 ftaying: *Milo*, fo far from having it in his Power to ftay, was obliged to go, not by Duty only but Neceffity. It appears therefore, *Clodius* was fure that *Milo* muft that Day be on the Road; but it may be asked,
 20 had *Milo* no Reason to know he muft meet with *Clodius*?

GIVE me leave to ask you, my Lords, how he could come by this Knowledge?
 25 A Queftion that never can be put on the Part of *Clodius*: For had he asked no other than his Intimate *Titus Patinas*, he might have learned that *Milo* was under a Neceffity, as Dictator of *Lanuvium*, to create a *Flamen*
there

there that Day ; and a great many others, every Man of *Lanuvium*, could have readily informed him of this Fact. But how was *Milo* to learn when *Clodius* returned ? I join
 issue upon this Point ; I even make a large 5
 Concession, by admitting, with my Friend *Arrius*, that he had corrupted a Slave. But read the Evidence that is before you ; *Caius Cassinius*, surnamed *Scola*, an intimate Companion of *Publius Clodius*, and who 10
 formerly swore that *Clodius* at the same Hour was at *Interamna* and *Rome*, tells you that *Publius Clodius* was to have passed that Day, at his Seat near *Alba*, but that he received the sudden News that *Cyrus*, the 15
 Architect, was dead, upon which he immediately resolved to set out for *Rome*. *Caius Clodius*, another Companion of *Publius Clodius*, concurs in the same Evidence. Observe, my Lords, what a Train of Incon- 20
 sistencies arise from this Evidence. In the first Place, *Milo* is plainly acquitted of any Design he could have of intercepting *Clodius* upon the Road, as it was impossible he could expect to meet him. In the next Place, (for 25
 I see no Reason why in my own Person I ought not to make my Advantage of this Circumstance) know, my Lords, that there were some that solicited the Law for this Persecution, who affirmed, that tho' the Mur-

der was committed by the Hand of *Milo*, yet that the Plot was laid by a more eminent Person, meaning ME, whom these abandoned Ruffians by this Suggestion represented
 5 as a Robber and a Murtherer. Thus they who deny that *Clodius* was that Day to return to *Rome*, had he not heard of the Death of *Cyrus*, are condemned upon their own Evidence. Thus I recover my Spirits, I am
 10 acquitted; and assur'd none will ever suspect my Counsels cou'd effectuate what it was impossible my Heart should conceive.

LET me now touch upon their other Ob-
 15 jections: For, say they, *Clodius*, as he was to remain at *Albanum*, and as he had not left his Seat upon any murtherous Intention, could entertain no Design of surprizing *Milo*. But 'tis plain, that the Person who, as is pre-
 20 tended, informed him of the Death of *Cyrus*, did not inform him of that, but of *Milo's* Approach. For, why inform him of the Death of *Cyrus*, whom *Clodius*, when he went from *Rome*, left expiring? I was present, I sealed up his Will along with *Clodius*;
 25 for he had publicly made his Will, and had appointed *Clodius* and me his Heirs. And was he then told, at the tenth Hour of the Day after, that the Man, whom he had left in the Agonies of Death at the third
 Hour

Hour of the Day before, was dead? But admitting it had been so, why all this hurry back to *Rome*? Why travel in the Night-time? What occasioned all this Haste? Was it because he was the Heir? In the first 5 Place, the Legacy required no Hurry on his Part. In the next Place, if it had, could he receive it only that Night, and must he have lost it, if he had waited till next Day? But as a Journey in the Night to Town was 10 rather to be shunn'd than desired on the Part of *Clodius*, so on the Part of *Milo*, had he form'd a Plot against his Enemy's Life, it is to be presumed, that as he knew *Clodius* was to come that Night to Town, he would 15 have watched his Opportunity by way-laying him.

HAD *Milo* killed *Clodius* by Night in a suspicious Place, haunted with Robbers, every- 20 body, had he deny'd the Fact, must have believed the Man in whose Preservation, even tho' he confesses it, all Mankind takes a Concern. Let us consider, first, this Belief must have gained Ground from the Character 25 of the Place, which is a Haunt and Refuge of Robbers; while the silent Solitude and trusty Shades must have concealed *Milo*. Next, as many had been harrassed,

stript, and plundered by the Deceased near the same Place, and many more dreaded lest they should be treated in the same Manner, the Suspicion must have fallen upon them.

5 In short, all *Etruria* might have been arraigned as criminal.

BUT *Clodius*, being resolved to return that Day from *Aricia*, struck off the Road to-
 10 wards *Albanum*. Now tho' *Milo* had been absolutely sure that *Clodius* had left *Aricia*, yet he had Reason to suspect, that tho' he was to return that Day to *Rome*, he would call at his own Seat which lyes upon the
 15 Road. Why then did he not either dispatch him before he reached it, lest he had remained there, or plant himself in a proper Place where he was sure *Clodius* was to pass in the Night-time? Thus far, my Lords, every
 20 Circumstance concurs in proving that the Life of *Clodius* was useful to *Milo*; but that *Clodius* could reach the darling Object of his Ambition only by the Death of *Milo*: That the one had an invincible Malice at the
 25 other; the other none at him: That the constant Practice of the one was to commit, and of the other to suppress, Violence: That the Life of *Milo* was publicly threatned, and his Death foretold by *Clodius*; but it appears,
 that

that *Milo* used no such Threatnings: That the Day, on which he was to set out, was known to *Clodius*; but that *Milo* was entirely ignorant of the Time when *Clodius* was to return: That *Milo's* Journey was indispen- 5 sible, but that of *Clodius* a matter of Indifference: That the one had determined to leave *Rome* on a certain Day; but that the other had concealed his Intentions of returning on that Day: That no Accident had al- 10 tered *Milo's* Design; but that the other had invented Pretexts for altering his: That if *Milo* had intended to way-lay *Clodius*, he would have hovered about the City till it was dark; but that tho' the other had no Reason 15 to fear *Milo*, he ought to have dreaded a Journey so late in the Night.

LET us now examine the principal Point, whether the Place where they encountered 20 was most favourable to *Milo*, or to *Clodius*. But, my Lords, are you longer to deliberate, are you longer to doubt of that? Since it was near the Estate of *Clodius*, where at least a thousand able-body'd Men were employ'd 25 in carrying on his extravagant Buildings. Did *Milo* think he had the Advantage, by attacking him from a rising Ground, and therefore chose such a Ground for the Scene of

of Action ? Or did *Clodius* wait for him upon that Ground, which he thought so favourable for his treacherous Attack ? My Lords, the Thing speaks itself, and that sure
5 is the strongest Argument.

WERE the Thing to be expressed in Painting instead of Words, you might even then distinguish the Traitor from the undefining
10 Person ; as the one was sitting in his Chariot, wrapt up in his Cloak, and his Wife by his side, it is hard to say if the Cloak, the Chariot, or the Companion was the greatest Incumbrance. For what can carry less the
15 Appearance of a Design to fight, than a Man entangled in a Cloak, shut up in a Chariot, and almost fettered by a Wife ? Now, my Lords, survey *Clodius*, first leaving his Seat in a hurry ; for what Reason ? In the Even-
20 ing ; upon what Emergency ? Late ; to what Purpose, especially at that Season ? He strikes off to *Pompey's* Country-house ; why ? that he might visit *Pompey* ? He knew he was at *Allium*. Was it to view his House ? He
25 had been in it a thousand Times. Then what could be his Motive ? To loiter and to gain Time, that he might be sure to be on the Spot when *Milo* came up.

Now

Now view the Equipage of a determined Robber in contrast with that of *Milo*. *Clodius*, before that Day, always travelled with his Wife : On that Occasion she was absent : He constantly rode in a Chariot ; he was then 5 on Horse-back : His *Greek* Minions still attended him wherever he went, even when he posted down to the *Tuscan* Camp : At that Time he had nothing trifling, nothing superfluous in his Retinue. *Milo*, contrary to 10 his constant Practice, happened then to carry along with him a Band of singing Boys, and a Troop of Girls, belonging to his Wife : *Clodius*, who never travelled without his Whores, his Catamites, and his Pimps, was 15 on that Occasion attended as a Man who expected to encounter with another. Why then, it may be said, did *Clodius* fall? Because, my Lords, the Traveller does not always fall by the Hand of the Robber, but sometimes 20 the Robber by that of the Traveller. Because, tho' *Clodius* attacked *Milo* unprepared, yet it was the Attack of *impotent* Rage upon *manly Resolution*. For *Milo* never was so little upon his Guard as to leave himself quite 25 defenceless : He kept it always in view what an Interest *Clodius* had in his Death, how great a Hatred of his Person, and what a Temerity in his Nature : He likewise knew the

the large Reward his Enemy had set upon his Head, and the determined Resolution with which he pursued his Life: Therefore he never exposed his Person unguarded and
 5 unattended. Add to this, Accidents, the uncertain Event of the Encounter, and the common Chance of War, which often turns the Scale against the Victor, when ready to seize his Prey, and exulting with Success.
 10 Add, the Unskilfulness of a heedless Leader, used only to command Revellers and Rioters; who after he had surrounded the Person of his Foe, never reflected that he had still to deal with his more remote Attendants;
 15 from whom whilst burning with Resentment, and despairing of their Master's Life, he received that Chastisement, which every faithful Servant will require at the Hands of his Master's Murtherer.

20

BUT then, why did he set them at Liberty? Because he was afraid, lest they should betray him, lest they should not be able to endure Pain, lest they should be tortured
 25 to confess, that *Clodius* was killed by the Servants of *Milo* upon the *Appian* way? But what Occasion for Torture? What was you to extort? If *Clodius* was killed? He was killed: But whether lawfully or unlawfully,
 can

can that be extorted by the Rack? The Executioner may put the Question as to the Matter of Fact, but the Matter of Law belongs only to the Judge.

5

THE Question arising from Law, we now debate; the Question to be extorted by the Rack, we have already confessed. But if you ask, why he set them at Liberty, rather than not give them a competent Reward, it is a Proof that you are at a Loss how to fix a Charge upon the Prisoner. For *Marcus Cato*, who sits on this Bench, and who never speaks but with Spirit and Resolution, said in a mutinous Assembly, which was quelled by his personal Authority, that the Slaves who defended the Life of their Master deserved not only Liberty, but the most extensive Rewards: For what Reward can be too great for a Master to bestow upon those Slaves, thro' whose Duty, Affection, and Courage he lives; tho' Life itself, my Lords, is but a second Consideration, when compared with that of their saving him from glutting the Eyes, and satiating the Wishes of his most mortal Enemy, with the Sight of his mangled bloody Coarse. Yet had he not freed them, he must have delivered these Preservers of his Life, these
Avengers

Avengers of Villany, these Defenders of innocent Blood, to the Pain and Ignominy of a Rack. Yet amidst all his Misfortunes, he has the Satisfaction to reflect, that however it fares with himself, it has been in his Power to treat them with that Generosity they have merited.

BUT the Confessions that are now extorting in the Porch of the Temple of Liberty bear hard upon *Milo*. From whose Slaves are they extorted, let me ask you? From those of *Publius Clodius*. Who demanded them? *Appius*. Who produced them? *Appius*. From whence came they? From *Appius*. Immortal Gods! Can any Thing be more cruel? No Slave can be examined against his Master, but in a Case of Incest, as was that of *Clodius*; who now approaches more near the Gods, than he did when he forced his way into their most awful Retirements; and whose Death now claims the same Enquiry that is due to a Violation of their sacred Misteries. But our Ancestors suffered no Confession to be extorted from a Slave which affects his Master; not because they could not by that means come at Truth, but because their Masters thought

thought such a Proceeding dishonourable,
and even worse than Death.

WHEN the Slaves of a Prosecutor are
tortured to affect the Life of a Prisoner, is 5
Truth to be expected? Let me suppose now
that the Question is put by *Appius*. You
Roscio, you *Casca*, did *Clodius* way-lay *Milo*?
He did. Then drag them to immediate
Death. He did not. Then amuse them 10
with the Hopes of Liberty. Is not this an
infallible Way to come at Truth? They are
suddenly dragged to the Rack, but confined
separately, and shut up in Dungeons, where
they were suffered to talk with no-body. At 15
last after they had been, for a hundred
Days, in the Hands of the Prosecutor, the
same Prosecutor produces them. Can any
Thing be more fair, more impartial than
such an Examination? 20

IF, my Lords, you are not yet fully con-
vinced, notwithstanding the many strong
Proofs and Arguments which may be brought,
that *Milo* returned to *Rome* in all that Purity 25
of Heart, with all the Serenity of Conscience
that attends the Man who is polluted with
no Wickedness, haunted by no Dread, and
tortured

tortured by no Remorse; I conjure you by the immortal Gods, to call to mind the Quickness of his Return, his manner of entering the *Forum*, while the Courts were in
5 a Blaze; his Intrepidity, his Looks, and his Words. He surrendered himself, not to the People only, but to the Senate; not only to the Senate, but to the Troops and Guards of the Public; and not to them only, but to the
10 Authority of that Man, whom the Senate has intrusted with the sole Management of the Common-wealth, the Government of the *Italian* Youth, and the Direction of the *Roman* Arms: One to whom he never had
15 delivered himself had he not been conscious of his own Innocence; especially as that great Man heard all, dreaded much, suspected many, and believed some: Great, my Lords, is the Power of Conscience: Great both in
20 the Innocent and Guilty, to quiet the Fears of the one, and to paint the Punishment of the other always present to his Eyes. Nor was it without good Grounds that *Milo* was ever favoured by the Senate. For their
25 discerning Wisdom perceived the Justice of his Cause, the Tranquility of his Soul, and the Consistency of his Defence. Sure, my Lords, you have not forgot when the News of the Death of *Clodius* arrived, what the
Talk

Talk and Sentiments, not only of *Milo's* Enemies, but of some indifferent tho' weak People, who affirmed that *Milo* was never to return to *Rome*.

SOME imagined that, prompted by a sudden Start of Passion to kill the Enemy he hated, he thought the Death of *Clodius* of so much Consequence, that he could unconcernedly go into Exile, since he had glutted his Revenge in the Blood of his Foe. Others conjectured, as he had delivered his Country by killing *Clodius*, that the same brave Man who had purchased Safety to *Rome* by his own Danger, would chearfully submit to the Laws, be contented with the unfading Glory of the Action, and leave us to enjoy those Liberties he had preserved. Others talk'd more frightfully, calling him a *Catiline*; he will break out, said they, he will seize some Place of Strength, he will turn Rebel. Unhappy Fate of those who deserve best of their Country! Their most glorious Actions are either forgotten, or remembered with the most malicious Insinuations. These Suggestions were all false, yet must they have passed for Truth, had *Milo* done what was not strictly agreeable to the Rules of Justice and Honour. How many Calumnies were afterwards heaped upon him?

E

Such,

Such, my Lords, as had he been conscious but of the most trifling Offence, must have daunted him. Yet how did he bear them? Immortal Gods! He bore them; nay, he
5 slighted, he despised them. A Character not to be sustained by the greatest Courage without the purest Innocence, nor by the purest Innocence without the greatest Courage. It was whispered about, that a great Number
10 of Shields, of Swords, of Bridles, of Javelins, and Darts might be seized: That there was not a Street nor an Alley in Town in which *Milo* had not hired a Store-house. That Arms were brought to his Seat at *Or-*
15 *triculo* down the *Tyber*. That his House on the Hill of the Capitol was quite crammed with Shields; and every other Place was full of Hand-granades, for setting Fire to the City. These Things were not only ru-
20 mour'd but almost believed; nor were they known to be false till after a Search.

I commended indeed the incredible Application of *Pompey*; but let me freely
25 speak as I think. They, my Lords, on whom the whole Cares of a State are devolved, are necessarily obliged to hear a great deal too much: Even a despicable Fellow of a Priest, *Licinius* I think they call him,
must

must be heard: He informed that the Slaves of *Milo* had got themselves drunk at his House; that they confessed they had entred into a Conspiracy to kill *Pompey*; and that afterwards, one of them had stabbed him, lest he should make the Discovery. All this he told to *Pompey* at his Gardens. I was instantly sent for; and by the Advice of his Friends the Affair was laid before the Senate. I own, my Lords, I could not help trembling, that such a Crime should be laid to the Charge of the Preserver of me and my Country: I could not help however being surprized that such a Fellow should be credited; that the Confessions of a Slave should be read; and that a Wound in the Side, which seemed no bigger than the Prick of a Needle, should pass for the Thrust of a Gladiator.

20

BUT as I understand, *Pompey* was rather cautious than fearful, and was jealous, not only where there was real Danger, but even an Appearance of it, that he might place you above all Dread. The House of *Caius Cæsar*, a Man of the greatest Quality and Courage, was said to be assaulted for several Hours in the Night-time. Nobody had perceived any such thing happen in that fre-

quented Place ; yet still the Report prevail'd.
 I could not suspect *Pompey* of Cowardice,
 who is a Citizen of the most consummate Vir-
 tues, nor did I think that any Enquiry when
 5 undertaken for the common Safety could
 be too strict. In a full Senate assembled at
 the Capitol a Member affirmed that *Milo*
 wore a concealed Sword. He stripped him-
 self within that awful Temple, because his
 10 Conduct, both as a Man and a *Roman*, could
 not obtain Belief; that while he was dumb,
 his Innocence might plead for itself. And
 then every thing was found to be false and
 malicious.

15

BUT if we are now under any Concern a-
 bout *Milo*, it is not on Account of the *Clodius's*
 Malice ; but *Pompey*, for I must call you by
 that Name that you may hear me, it is
 20 your Suspicions that we dread. If you are
 afraid of *Milo*, if you imagine that at this
 instant, he meditates, or ever before conspired
 against your Life ; if the Forces of *Italy*, as
 some in your Commission give out, if the
 25 Arms of *Rome*, if the Troops of the Capital,
 if these Centries, and that Guard, if the
 Flower of our Youth, who attend your Per-
 son, and watch your House, is armed against
 the Fury of *Milo*, if all these Precautions are
 taken,

taken, prepared, and pointed against him; great surely must be his Strength, and incredible his Boldness, far excelling the Forces and Power of a single Man; since, against him alone, our bravest General is to act, and the Arms of the whole Republic are directed. But who is so ignorant as not to know, that these Troops are to restore and prop every feeble, every drooping Part of the Empire, which are now all put into your Hands? Had *Milo* had an Opportunity, he could have prov'd to yourself that no Man ever was more dear to another than you are to him; that he never declined Danger to assert your Authority; that to vindicate your Glory, he often encountered the Ruffian *Clodius*; that your Counsels determined him as Tribune in every Step he took for my Preservation, which then was dear to you; that you afterwards protected him when his Life was endangered; assisted him in his Solicitations for the Prætorship, and that he still relyed on two unalterable Friends; You, for Favours you bestowed; ME, for Obligations I received. If he had failed in the Proof of all this; if your Jealousy had been invincible; if the Levies of *Italy*, and the Troubles of *Rome*, were not to cease but in the Ruin of *Milo*; such is his Nature, and such are his Princi-

ples, that he would have departed a willing and a ready Exile. Yet, illustrious *Pompey*, in that dreadful Hour, as in this, to you he must have made his Appeal.

5

How fleeting, how inconstant is Life! how flattering, how unstable, Fortune! How treacherous, and how temporising are Friends! How ready to abandon us! How
 10 apt to tremble, in the Hour of Danger, are our nearest Relations! The Time, the Time will come, the Day will dawn, when you, tho', I hope, not endangered, yet perhaps shaken, by the public Convulsions, (which as
 15 they are now frequent ought never to surprise us) when you, I say, shall in vain implore the Affection of the best Friend, the Counsel of the wisest Patriot, and the Courage of the bravest Man that *Rome* or
 20 the World beholds.

YET who can believe that *Pompey*, so well skilled in the Laws of *Rome*, in the Practice of his Ancestors, and in the Con-
 25 stitution of his Country, when the Senate had given in Charge that THE REPUBLIC SHOULD RECEIVE NO INJURY, (a Sentence that always of itself armed the Consuls, tho' without Weapons) that this *Pompey*, I say, should

should wait with an Army, with a numerous Levy, the Event of this Trial, and defend, in the Course of Law, the Conduct of that Man whose Proceedings tended to abolish Law itself. It was sufficient, it was sufficient 5 that *Pompey* judged all these Charges against *Milo* to be groundless, since he enacted a Law, by which I and all the World apprehend *Milo* may, and ought to be acquitted.

POMPEY sitting in that Place, surrounded with the public Guards, is a sufficient Declaration that he has no Intention to overawe but to protect this Court; for nothing could be more mean than for him to force you to 15 condemn the Man whom from numerous Precedents, and by his own Authority, he had a Right to try: All he means, is to let you understand that you are now at full Liberty to pass what Censure you please upon Yesterday's riotous Assembly. 20

BUT, my Lords, the Death of *Clodius* gives me no Concern; I am neither so stupid, so ignorant, or so unexperienced as not to know 25 your Sentiments upon that Subject. Even tho' the Blood of *Clodius* had stained the Hand of *Milo*; even tho' I had not washed
E 4 away

away the Guilt, yet *Milo* securely, and with a glorious Falshood, might have publicly arrogated the Merit of the Action. I have slain, might he have said, I have slain, not a
5 *Spurius Mela*, who, in a Time of Scarcity lowered the Price of Corn, tho' to the Ruin of his own Estate, and who was suspected of having an Eye to Royalty, because of his Popularity; not a *Tiberius Gracchus*, who
10 seditiously annulled the Authority of his Colleague; yet their Destroyers have filled the World with the Glory of their Exploits: But (for the Man who saved his Country at the Hazard of his own Life had a Right to use
15 such Language) I have slain a Man whose infamous Adulteries, our noblest Matrons detected even in the most awful Recesses of immortal Beings: The Man whose Incest with his own Sister, *Lucullus* swore he had
20 discover'd by Torture: The Man who drove, by means of Slaves, from his Country, a Citizen, whom the Voice of the Senate, of the People, and of all Nations adjudged to be the Preserver of *Rome*, and of *Romans*:
25 The Man who gave and resumed Kingdoms, and parcelled out the World to what Men, and in what manner he pleased: The Man who after committing many Murders in the *Forum* obliged by his Russian Violence, a
Citizen

Citizen of the highest Virtue and the highest Rank, to shelter himself within the Walls of his own House: The Man whose Lust knew no Check, and whose Guilt no Bounds: The Man who set on Fire the Temple of the Nymphs, that he might destroy the public Register, which contained the Censure of his Crimes: The Man, in short, who disdained the Laws of Rome, the Law of Nations, and the Distinctions of Right and Wrong; who scorned to seize the Property of another by the Quibbles of a Court, by suborned Evidence, or false Oaths; but invaded it with Troops, Encampments, and regular Forces: Who by his Encampments and Troops endeavoured to dispossess, not only the *Tuscans*, (for them he still held in utter Contempt) but *Varius*, that brave honest Man, and one of our Judges, of all his Estate: Whose Architects and Measurers surveyed the Seats and Gardens of a great many Citizens, and who grasped in his own Imagination all that is between *Janiculum* and the *Alpes*: Who when he could not prevail with *Titus Pacuvius*, an eminent Roman Knight, and a Man of Spirit, to sell an Island upon the Lake *Pretium*, instantly conveyed in Boats Materials for Building with Lime, Plaister, and

and Arms into the Island, and in sight of the Proprietor, who was but on the opposite Bank, built a House on an Estate to which he had no right. Who (for I shall pass by
 5 the Story of the poor *Scantia*, and the young *Apronius*, whom he threatned with Death, unless they yeilded him the Possession of their Gardens) durst, immortal Gods! tell such a Man as *Titus Furfanius*, that if he
 10 did not give him such a Sum of Money as he demanded, he would convey a *dead Body* into his House: So inveterate was his Spite, that he dispossessed, in his Absence, his Brother *Appius* of his Estate, a Man with
 15 whom I am under the strongest Obligations of Friendship: Who attempted to run a Wall thro' a Court-yard belonging to his Sister, and to carry it up in such a manner, as to deprive her not only of the Court-yard,
 20 but of all Access and all Light to her House.

Yet all these Crimes were tolerated, tho' perpetrated equally in a private as a public Capacity, upon the remotest as the nearest,
 25 upon Strangers as Relations. But Habit had worn off the Edge of public Resentment, and the City grew unaccountably insensible thro' his repeated Violences. Yet by what means could you either avert, or
 suffer

suffer those Dangers that were more immediate and more threatening? Had he got Possession of the Government, to say nothing of our Allies, of *foreign* Powers, Kings and Princes, (for you would have thanked the Gods, if he had spent his Fury upon those rather than upon your Estates) neither your Houses nor your Coffers: But what do I talk of Houses and Coffers! By Heavens, neither your Children nor your Wives; not your Children nor your Wives, my Lords, had been unviolated by his unbridled Lusts. Do you imagine that I exaggerate? Is not all this evident? Is it not notorious? Is it not Fact, that he raised a Body of Slaves in this City, by which he was to seize the Liberties and Properties of *Rome* and *Romans*? Therefore, if *Titus Annius* holding up the bloody Dagger had cry'd, " My Countrymen hear
" and attend: I have killed *Publius Clodius*;
" I have with this Dagger, and with this
" Hand quelled that Fury which threatned
" all that was dear to you, and which no Law
" could confine, no Government could bridle.
" To me it is owing that Equity, Justice,
" Laws, Liberty, Decency, and Modesty
" have yet a Being in this City." Could *Milo* fear how such an Action would be relished by his Country? Where is now the
Man,

Man, who does not approve, who does not applaud it? Where is the Man, who does not both say and think that *Milo* has done the greatest Service to the Republic, that he
5 has diffused Transports over the Inhabitants of all *Rome*, of all *Italy*, and all the World? I am no judge how far those Joys which our Ancestors conceived might transport them, yet this Age has seen a less exquisite and a
10 less durable Extasy than this Action gave, attend the noblest Victories of our bravest Generals.

TREASURE this, my Lords, up in your
15 Memory, I hope it shall be the Earnest of many public Blessings to you and your Children, and that the Enjoyment of them shall be still attended with this Reflection, that had *Clodius* lived, these Blessings had never
20 been; we now entertain the highest, and I hope the best-grounded Hopes in this very Year, that under the Consulate of that great Man, the Restoration of Law and Justice, and the Safety of *Rome* shall be founded upon the
25 Destruction of Ruffian Fury and Lawless Lust. But who, my Lords, is so simple as to believe that had *Clodius* lived this ever could have been the Case? How could the Property

party, how could the Possession of what
yourselves or your Fore-fathers have gained
be insured, if at the Mercy of a frantic
Wretch? I am under no Apprehension, my
Lords, that the Keeness of my Resentment 5
should make it seem as if I spoke with more
Freedom than Truth: For tho' Truth ought
still to prevail, yet so common an Enemy
was he to all Mankind, that my Detestation
of him is scarcely greater than that of the 10
whole World. No Words can express, no
Thought can conceive, what an execrable,
what a pernicious Ruffian he was. Reflect,
my Lords, upon one thing; as you are now
Trying *Milo* for the Death of *Clodius*, let 15
me imagine, for Imagination is free, and
such its Effect upon the Mind, as to per-
suade us of the Reality of what it represents,
I will imagine therefore a Picture of what I
now suppose. 20

LET me suppose then, that you shall ac-
quit *Milo* on Condition that *Clodius* shall re-
vive. What! Do you turn Pale at the Picture
of this? Then how would the Life affect 25
you? Do you dread him in Imagination,
then how would he strike you in Person?
What! If the great *Pompey*, whose Quality
and Merit are such as to be able to effect
what

what no Man alive can ; if he, I say, had it in his Option either to appoint a Court for trying the Death of *Clodius*, or to raise him from the Dead, which do you believe he
 5 would chuse ? Tho' as a Friend, he should incline to raise *Clodius* from Death, yet the Love of his Country would oppose the Dictates of Friendship. You therefore preside as the Avengers of the Death of a Man,
 10 whom, were it in your Power, you would refuse to restore to Life. And a new Commission for enquiring into his Death has passed by Law, which Law, could it have brought him from Death, never had passed.
 15 If *Milo* then killed *Clodius*, is he to dread Punishment by the Sentence of those Men whom that Action restored to Liberty ?

THE *Greeks* decreed divine Honours to
 20 the Man who put, to Death a Tyrant. What have I seen at *Athens* ! What in the other Cities of *Greece* ! What a Profusion of Divinity was ascribed to such Heroes ! What Hymns ! What Songs ! The Worship and
 25 Honours paid to their Memory scarcely fell short of that ascrib'd to the immortal Gods. Yet this Saviour of a mighty State, this Avenger of enormous Guilt, you have suffered not only to remain unhonoured, but to be
 dragged

dragged as a Criminal to the Bar. He ought to have confessed, to have confessed, I say, the Action, and owned with Boldness, with Intrepidity, that he did it for the public Good; this he ought not only to have pro- 5
fessed but proclaimed.

FOR if he does not deny an Action for which he claims nothing but Pardon, shall he hesitate to confess what flatters him with 10
the Prospect of Reward? Unless he imagines it to be more agreeable to you that he saved himself than all *Rome*: Especially as your Gratitude, upon this Confession, must have been attended with the noblest Distinctions 15
the Public could bestow. But if you should not have approv'd of the Action, (yet, how can we suppose that any Man can disapprove of providing for his own Safety) if the Cou-
rage and Virtue of the bravest Man alive had 20
been disowned by his Country, yet would he with a generous, with an honest Indignation, have left this ungrateful City. For what can be a greater Expression of Ingratitude than
that the only Person who mourns amidst 25
an universal Joy, should be the Man from whom all this Joy is derived.²

YET has it been the invariable Maxim of
Romans

Romans in destroying the Oppressors of their Country, that as it was ours to reap the Glory and Honour, so it should be ours to share in the Danger and Difficulty attending the Action. Where must my Glory, where must my Merit have been, had my Country imagined that all I encountered and surmounted in my Consulship for you, my Lords, and your Posterity, might have been effected without the most immediate Danger, and the most discouraging Difficulties? Where is the Woman who would not have dared to kill a Rebel, and a Ruffian *Roman*, if she apprehended no Danger? But the Man whom neither Death, Danger, nor Obloquy damps in his Attempts to serve his Country, is a *Man indeed*. It belongs to the People to crown with Honours and Rewards the deserving Patriot; and to him to be discouraged by no Perils, by no Punishments in the brave Discharge of his Duty. *Milo* therefore might have avowed his Action in the same Manner as *Abala*, as *Nasica*, as *Marius*, and as I myself did. Had his Country approved, he might have rejoiced; had she disapproved, yet still must he have retained the *home-felt* Satisfaction of Mind, amidst all the Ingratitude of an ingrateful Age. But on the Occasion, my Lords, the Guardian
Genius

Genius of *Rome*, your own Preservation, and the immortal Gods, challenge your Gratitude. Nor can any Man think otherwise, but the Man who at the same Time denies the Power of the Gods, and the Justice of Providence: The Man who is unaffected with the Grandeur of the *Roman* Empire; blind to the Beauty of the Sun, the Revolutions of the natural System, the Dependance and Subordination of Causes; nay, what is still more extraordinary, to the Wisdom of our Ancestors, who were not only the reverential Practisers, but the careful Transmitters of divine Rites and Worship to us their Posterity.

15

THERE exists, believe me, there exists a providential Power; nor is there implanted in the frail, the puny Composition of Mortals, any Principle either of Consciousness or Sensation, which is not equally diffused thro' the beautiful, the expanded System of universal Nature; unless Mankind will think otherwise, because it is not immediately subjected to the Organs of their Senses; as if it were possible for us plainly to discern, either in what Manner or Point, the Principle, by which we deliberate and determine, by which we now act and speak,

F

exists,

exists. This very, this very providential
 Power, which by its own unsearchable Means
 raised your Country to Glory and Empire,
 has destroyed this public Execration; first by
 5 inspiring him with Presumption to attack the
 gallant *Milo*, and then by delivering him up
 to the Hand of the Man whose Death would
 have given him an eternal Privilege and Im-
 punity of Guilt. This, my Lords, was not
 10 effected by humane Foresight; but by an
 extraordinary Vigilance of the immortal
 Gods over the Preservation of *Rome*. Their
 awful Holiness, by Heavens, which was Wit-
 ness to the Fall of this Monster, seemed to
 15 interest itself in his Fate, and to vindicate its
 own Authority in his Destruction. You too,
 ye *Alban* Mounts and Groves, I implore and
 attest; and you, ye dismantled Altars of the
Albans, the Companions and Partners of the
 20 *Roman* Rites! those Altars which his Fury
 buried under the frantic Piles of a tasteless
 Extravagance, after demolishing every awful
 Grove, and every Religious Recess. But in the
 Moment of his Fall, your Shrines recovered
 25 their Splendor, your Rites their Worship,
 and your Power its Influence; which had all
 been contaminated by his Guilt. And you,
 O awful *Jove*! from the exalted Summit of
 the *Latian* Mount, whose Streams, whose
 Woods,

Woods, and Borders have been so often profaned by the lawless Lust, and the criminal Pollutions of *Clodius*, at length your Eyes were opened to behold his Punishment: To you, to you, ye Powers, that late, tho' just 5 and merited Forfeit was due, and in your Sight was it paid.

It cannot sure be pretended that by CHANCE he receiv'd the first Wound, which 10 gave him up to a shameful Death after his Encounter with *Milo*, before the Chappel, and I may say under the Eye, of the *Deified Bona*, which stands upon the Estate of that accomplished virtuous Youth *T. Sextius Gal-* 15 *lus*; as if his former corrupted Judges had acquitted him only that he might be reserved for this edifying Death. Nor can it be deny'd that the Resentment of the Gods infatuated his Retainers with such a Frenzy, as to 20 commit to the Flames his abhorred Corps without Pageants, without Hymns, without Shows, without Pomp, without Praise, without Sorrow, without Sadness, besmeared with putrid Gore, and deprived of those Rites of 25 Burial which are due and granted even to Foes. Piety, I imagine, would not permit the Forms of so many celebrated Heroes to grace the Funerals of so execrable a Parricide;

nor could the Dogs tear him, when dead, in a more proper Place, than in that where he had been so often condemned and cursed while alive.

5

HARD indeed, very hard and cruel, seemed to me the Fortune of the *Roman* People, who so long, and so often, saw and suffered him to repeat his Insults upon the Public.
 [10] No Shrine of the Gods was so venerable as to be unpolluted by his Lust; no Decree of the Senate so solemn as to be inviolated by his Guilt. When a Criminal, he openly corrupted his Judges; when a Tribune, he in-
 15 dustriously harrassed his Superiors. The most salutary Measures concerted and approved of by every Order, for the Good of the Public, were by him rescinded. Me he drove from my Country; my Goods he plundered; my
 20 House he fired; my Wife and Children he persecuted. Against *Pompey*, he carried on a lawless Animosity; Magistrates and Citizens, by his means were assassinated; he burnt the House of my Brother; he pillaged *Tuscany*;
 25 and drove many from their Habitations and Estates. Ever eager, ever rapid; neither *Rome*, *Italy*, Provinces, nor Kingdoms could confine the Torrent of his Frenzy. Within his House he hatched a Law by which we were

to

to be subjected to our own Slaves; and he thought that this Year no Man could have called what he possessed, *his own*, should he incline to seize it.

5

NONE but *Milo* opposed his Progress; *Pompey*, the only Person who was most capable, he thought his firm Friend by their late Reconciliation; the Power of *Cæsar* he accounted as his own; and my Fate had taught him to despise the Sentiments of every good, every honest Man. *Milo* alone beard-
ed him. In this Situation, the immortal Gods, as I observed before, infatuated this abandoned, this frantic Wretch with the Re-
solution to surprize *Milo*; the Pestilence could have ceased by no other means; nor was the Authority of the Republic so strengthened as to be able to avenge her own Cause.

20

ARE we to imagine that the Senate could have curbed him, when a Magistrate, since they made so little Progress in checking him while he was but a private Man? Could the Consuls have been strong enough to restrain
their Prætor. In the first Place, had *Milo* been killed, the two Consuls must have been
of his Faction: In the next Place, what Consul would have had the Spirit to thwart him

as Prætor, whom he remembred, while Tribune, to have most cruelly harrassed a Person of Consular Dignity? He might have obtained, oppressed, and possessed every
 5 Thing: By the new Law which was found among the other *Clodian* Laws, he would have made our Slaves his Freemen. In short, had not the immortal Gods struck him, weak and womanish as he was, with the fran-
 10 tic Resolution of attempting the Death of that brave Man, your Republic this Day had not had a Being.

HAD he been Prætor, had he been Con-
 15 sul, would he have committed nothing destructive in these *Temples*, and this *Forum*, could we suppose that they had been able to stand till he should be Consul? In short, had he been alive, what Havock must
 20 he have committed, who, when dead, by the Instigation of *Sextus Clodius*, one of his Dependants, set on Fire the Courts of Justice? Was ever Sight more miserable, more dreadful, and more melancholy, than that the
 25 Temple of the Holiness, Majesty, Wisdom and Conduct of the Public, the Head of this City, the Shrine of her Allies, and the Refuge of Nations, the Temple appointed by the unanimous Voice of the *Roman* People,

ple, to be the Seat of the Senate, should be fired, erased, and polluted. This was not the Action of a heedless Mob, (tho' even that had been deplorable) but of one Man, who, if he dared to commit such Havock with a 5 Torch for his Friend when dead, what must he not have attempted had he display'd a Standard for the same Friend had he been alive? He chose too to throw the Body of *Clodius* into the Senate-house, that he might, 10 when dead, burn what he had overthrown while alive.

SHALL some then affect to talk of the *Appian* way, yet be silent as to the Senate- 15 house? Can we imagine that the *Forum* could have resisted the Efforts of the Man when full of Life and Spirit, whose lifeless Coarse consumed the Senate-house? Raise, Raise him if you can from the dead; try 20 to break the Rage that breathed from the living Man, tho' you had well-nigh fallen Victims to the Furies that attended the unburied Body. Unless you pretend that you quelled the Attacks of those who flew to the 25 Senate-house with Torches, to the Temple of *Castor* with Scythes, and patrolled thro' the *Forum* with Swords. You have beheld the People of *Rome* massacred; and an Assembly
F 4 attacked

attacked with Arms, while the Tribune
Marcus Cælius was speaking to the attentive
 People; a Man resolute in the Cause of his
 Country; firmly attached to what he un-
 5 dertakes; devoted to the Friends of Virtue,
 and the Authority of the Senate; and in
 this, whether you call it the Fortune or
 Misfortune of *Milo*, amazing, divine and
 incredible has been his Integrity.

10

BUT enough has been said by way of
 Defence, and perhaps too much by way of
 Digression. What remains, but that I should
 beseech and conjure you, my Lords, to ex-
 15 tend to a brave Man the Compassion which
 he refuses to implore? But I, against his Sense,
 with Zeal, with Fervency implore it. Tho'
 amidst an universal Deluge of Grief, you
 never have beheld *Milo* to drop a Tear; tho'
 20 you perceive the same Resolution in his
 Looks as ever, the same Firmness of Voice
 and Intrepidity of Language, yet extend it
 nevertheless. Nor indeed do I know if any
 thing ought to plead more effectually for him
 25 than such a Deportment. For when we see
 the Encounters of Gladiators, with the Be-
 haviour and Fate of the lowest Order of Man-
 kind, tho' we detest the Cowards, and them
 who meanly beg for Life; yet at the same
 time

time we are desirous to save the Brave, the Spirited, and those who chearfully invite, nay, obstinately provoke the fatal Stroke; and they who seem to disdain our Compassion, stir it more than they who implore it. Then 5 how much stronger ought these Sentiments to prevail when the Case is that of a brave Citizen?

THE Expressions of *Milo*, my Lords, 10 which I often hear, and can daily witness, kill and confound me; 'May the *Romans*, may the *Romans*, cries he, prosper, may they be safe, may they be glorious, may they be happy! However it shall fare with me, may 15 this glorious City, and my Country, which ever shall be dear to me, flourish; may my Fellow-Citizens enjoy that Tranquility of Government, which I have purchased, but cannot partake of; I yeild me, I retire; if I 20 cannot be a Member of a virtuous, yet I shall be freed from a corrupted, Government. And the civilized Land of Liberty that I first shall tread, there will I rest.

25

WHAT abortive Toils, he cries, have I undergone? What deceitful Hopes have I harboured? What vain Speculations have I entertained? Could I who, when Tribune, devoted

devoted myself to the Senate, which, when
 oppressed, I sheltered; to the *Roman* Knights,
 whom, when feeble, I strengthened; to the
 Wise and Virtuous, whom, when deprived of
 5 their Influence by the Fury of *Clodius*, I sup-
 ported: Could I ever think that the Pro-
 tection of the Wise and Virtuous would be
 wanting to me? When I restored you, my
 Friend, (for we often discourse together)
 10 to your Country, could I imagine that
 Country would throw me from its Bosom?
 Where is now that Senate whom we support-
 ed? Where, where indeed, says he, your boast-
 ed *Roman* Knights? Where are the Applauses
 15 of the Denizens of *Rome*? Where the Voice
 of the People of *Italy*? Where, my *Tully*,
 where is thy Art, where thy Eloquence, that
 used to relieve the Distressed? Shall they be
 unavailing only to me, who have so often
 20 faced Death and Danger for you? '

NOR, my Lords, does he pronounce these
 Words like me in Tears, but with the same
 intrepid Look you now behold. He denies,
 25 he denies that what he acted was for the Un-
 grateful; but owns it was for the Fearful of
 his own Country, and for such as trembled
 at the Apprehension of Danger. He owns,
 that in order to put you out of Danger, he
 gained

gained over the Mob and the Commonality of *Rome*, which while attached to *Clodius* threatned all that was dear to you; that he not only curbed them by his Courage, but softned them at the Expençe of his three 5 Inheritances. Nor does he fear, while he appeases the People by his Liberality, that he shall not succeed in reconciling you to his Conduct by his eminent Services to the Public. Whatever Turn his Affairs may take, 10 whereever he shall go, he says, that it is out of the Power of Fortune to deprive him of those repeated Marks of Esteem bestowed upon him by the Senate; and the Distinctions of Esteem, Affection, and Love, 15 so often expressed by you and the People of *Rome*.

HE declares too, it had no Effect upon him, that to have been declared Consul he wanted 20 only the Voice of the Cryer; but that all his Ambition lay in being raised to that Dignity by the Voice of a united People; and in short, that if these Troops are drawn up against him, it is not his Guilt, but the Sus- 25 picion of it, that arms them. He likewise is sensible of this undoubted Truth, that not *Reward*, but *Virtue* is the Motive of the glorious Actions performed by the BRAVE and WISE;

W I S E ; and is conscious that every Action of his Life has been great; for what can be greater than for a Hero at the Hazard of his own Life to bring Deliverance to his Country:
 5 That happy are they whom their Fellow-Citizens honour for this.

H E thinks them far from being miserable whose Patriotism is greater than the Reward attending it, and he remains fully convinced
 10 of this Truth; that if the intrinsic Value of all the *Rewards* of *Virtue* were computed, the Preference must be given to G L O R Y. That this alone compensates the Shortness of Life by the Duration of Fame,
 15 which represents us when absent, and immortalizes us when dead; and that G L O R Y is in short the Step by which Men seem to aspire to be Gods.

‘ O F me, says he, the Inhabitants of *Rome*,
 20 and the World shall discourse; and remotest Posterity shall know my Name. Even in this instant, while Calumny is piling around me all her flaming Brands, am I celebrated by the Speeches, Thanks, and Ap-
 25 plauses of every Assembly of Mortals; to speak nothing of the *Tuscan* Festivals. It is now I think upwards of an hundred Days since *Clodius* was killed; and now not only the Fame of the Action, but the Joy it im-
 parts

parts is diffused over the remotest Bounds of the *Roman* Empire. Therefore, continues he, how this Body of mine is disposed of, is to me indifferent, since my Renown already fills, and shall ever possess every Corner of the 5 World.' This, *Milo*, was often your Discourse to me while these were absent, and now that they are present I repeat it to you. The Virtues of your Mind I indeed want Words to express; but the more divinely fair these 10 Virtues are in you, the more bitter are the Pangs of Separation to me. Nor when you are torn from me, have I the poor, the bootless Satisfaction of being angry with those who inflict the Wound: We are separated not by 15 my Foes, but my intimate Friends; by the perpetual Objects, not of my Enmity, but of my Gratitude. Yet, my Lords, sensible as this Affliction is to me, and sure nothing could equally affect me, never shall that, nor any 20 other, render my Heart insensible of your former Favours; still shall the grateful Remembrance of them live in my Soul: But if it is extinguished in you; if I have incurred your Indignation, why am I not made the 25 Sacrifice instead of *Milo*? For I account that my Days shall be crowned with Honour, if they are closed before such Calamity shall be fall me,

YET,

YET, O my Friends! still am I left
 with this Comfort, that no act of Piety,
 Affection, or Duty to you has been wanting
 in me : For you have I incurred the Frowns
 5 of Power ; against your Foes have I often
 ventured my Life and Liberty : For you have
 I often prostrated myself as a Suppliant ; my
 own and my Family's Estate have I risked
 to perish or survive with your Fortunes. And
 10 in this very Hour, if any Injury, if any Pu-
 nishment is designed against you, I deprecate
 it on my own Head. What now remains!
 What can I do! What can I say! How can
 I discharge the Debt I owe you, if I share
 15 not in your Fortunes? I am ready, I am pre-
 pared : And, my Lords, I beg that you would
 either crown your Favours by the Safety
 of my Friend, or cancel them by his
 Ruin.

20

MILO stands unmoved with the Tears I
 shed : Amazing Fortitude of Soul! He
 thinks he never can be an Exile, but in the
 Land where Virtue has no Being : And that
 25 Death is not the Penalty, but the Dissolution
 of Nature. Let him then retain his natural
 Intrepidity of Soul ; but how, my Lords, are
 you to determine ? How indeed ! Will you
 banish the Person of the Man whose Re-
mem-

membrance you indulge with Pleasure? And can any Land afford a nobler Scene for these Virtues than that where they first existed? I call on you, ye Heroes; on you who have profusely shed your Blood for your Country; 5 ye Centurions, ye Soldiers, to you I appeal in this Hour of Danger to the best of Men, and the bravest of *Romans*: While you are looking on, while your Swords are in your Hands, while you guard this Tribunal, shall 10 such amazing Virtue be extirpated, be spurned out of this City?

WRETCH, unhappy Wretch that I am! Did you, *Milo*, by these recall me to my 15 Country? And by these shall I be unable to retain you in yours? How shall I answer it to my Children, who thought you another Father? How to you, my Brother *Quintus*, the Partner of all my Toils, that I was 20 not able to ensure the Safety of *Milo*, by those who were the Instruments of my own Preservation? In what Cause am I under this Inability? In a Cause approved of by all Mankind. Who have put me under this 25 Inability? They who have gained most by the Death of *Clodius*. Who sollicit them? I myself.

WHAT

WHAT Wickedness have I hatched! What enormous Crimes have I perpetrated! Is it because I traced, disclosed, exposed, and extinguished a Conspiracy big with universal Desolation. From that Fountain spring all the Miseries of me and mine! Why did you desire my Return from Banishment? Was it that I might witness the Exile of the Authors of my Deliverance? Do not, my Lords, I conjure you, render my Return more bitter than was my Expulsion. For how can I think that I am restored to my Country, if I am torn from those who restored me?

15

I wish to the immortal Gods, (with Reverence to you, O my Country! I speak this, lest the Piety of my Sentiments for *Milo* should be an Execration to you) that *Publius Clodius* had not only lived, but been Consul, Dictator, Prætor, could it have saved me from beholding this Calamity. Immortal Gods! How worthy of your Cares, is that illustrious Person! By no means, he cries: The Traitor met with the Fate he deserved; and let me, if it must be so, undergo the Punishment I have not deserved. Shall then the Man born to save his own Country resign his Breath in another? Shall he not at least die

die in the Service of *Rome*? Shall you enjoy the Glories of his Soul, yet deny a Grave in *Italy* to the Remains of his Body? Can any Man give his Voice for expelling from this City the Hero whom every City upon Earth 5 would be proud to receive?

HAPPY that Country which shall shelter him! Ungrateful this, should she expel, and wretched, should she lose him! Here must I 10 stop; my Tears deny Utterance to my Tongue, and the Commands of *Milo* forbid the Intercession of my Tears. In your Decision, my Lords, *dare*, I conjure you, *to be just*; believe me, your Firmness, your Equity, and 15 your Virtue, will be most agreeable to the Man, who on this Occasion has raised to the Bench, the best, the wisest, and the bravest of Mankind.



G

A R G U-



THE A R G U M E N T.

ONE of the chief, and most dreadful Consequences of Sylla's Usurpation, was an universal Degeneracy of the Roman Senate, at a Juncture, which most required the strictest Exercise of their Virtue. This produced an Impunity, and a Remissness of Justice, which encouraged several Governors of the Provinces to oppress the Allies, and Tributaries of the Roman People.

Verres, the Prætor of Sicily, a Country that had a Right to all the Gratitude and Indulgence that Rome could express, distinguished himself by every Art of Oppression, Cruelty, and Avarice; and as he was a Man of great Quality, great Alliances, and some Abilities, he was protected by the noblest Families, and greatest Men in Rome. Among these, Hortensius, who was then eminent for his Eloquence, Subtilty in Pleading, and Knowledge of the Laws, was a zealous Advocate for Verres, and did all he could to prevent his being brought to a Trial. But a new Prætor succeeding to Verres in Sicily, the Sicilians, all except the Inhabitants of two Cities, resolved to impeach him at Rome, upon

The ARGUMENT.

the Law of Bribery and Corruption, and applied to Cicero, who had formerly been Quæstor of Sicily that he would manage the Prosecution.

Cicero, perhaps not displeased that he had now an Opportunity of displaying his Abilities and Eloquence, in a Cause not only just but popular, and against Hortensius, the only Man in Rome who was capable to rival him, undertook the Management of the Prosecution. But a previous Trial of Skill upon the Question, Who was entitled to be the legal Prosecutor of Verres, arose from the following Circumstances:

Quintus Cæcilius, who had been Quæstor under Verres, conscious his Guilt was so complicated with that of Verres, that great Part of it must appear in the Examination of the Facts laid against Verres, and willing to screen his Prætor, from whom he had doubtless a proper Consideration, pretended to the sole Right of managing the Impeachment, for the following Reasons:

1st, Because he himself had received personal Injuries from Verres; therefore it was to be presumed, that he would be more eager in the Prosecution, because he had personal Motives for accusing him.

2dly, Because having been Quæstor under Verres, he must be better acquainted with Facts than any other Man, therefore more able to convict him.

3dly,

The ARGUMENT.

3dly, *Because he was a Native of Sicily, therefore it was to be presumed he would be more interested than any other, in bringing to Justice the Oppressor of his own Country.*

Cicero, in the following Oration, confutes these Reasons, and with an honest Warmth remonstrates to the Court, which was composed of a Committee of the Senate, the Necessity of re-establishing their Reputation, and restoring Impartiality and Integrity to the Courts of Justice. This happened in the Year of Rome 685, and the 37th of Cicero.



G 3 CICERO'S



M. T.

C I C E R O's
O R A T I O N
A G A I N S T
C Æ C I L I U S.

 F any upon your Bench, my Lords, or in this Assembly, should be surprized that I, who during a Practice of many Years at the
5 Bar have still defended the Accused, should all of a sudden commence Accuser, they need but to weigh the Motives and Reasons of my Conduct, to approve of it, and own that this Cause falls more naturally to my Management, than to that of any other Man alive.

WHEN I left *Sicily*, my Lords, where I had been Quæstor, the Inhabitants retained
so

so grateful a Remembrance of my Conduct,
and such a Regard for my Person, that they
even expected I should in some measure sup-
ply the Loss of their antient Patrons, in
whose Hands the Protection of their Coun- 5
try was formerly lodged; and now that
they are harrassed and persecuted, with re-
peated Instances, they publicly and unani-
mously apply to me to undertake the De-
fence of their Liberties and Fortunes; re- 10
monstrating at the same time, that I should
then only act in consequence of my repeated
Acknowledgments and Promises, when I
professed myself so much their Friend, as to
be ready on every Occasion to serve them. 15

THEY told me, that now was the Time;
the Time! For my defending not only the
Liberties, but the Lives and Properties of a
whole People; that their Towns were rifled 20
of their Gods, therefore, to their Gods they
would have no Recourse; that *Verres* had
robbed their most awful Shrines of their most
venerable Images; that whatever could be
done by *Luxury* to improve *Sensuality*, by 25
Cruelty to heighten *Pain*, by *Avarice* to
prompt *Rapaciousness*, or by *Pride* to support
Insolence, was by this one Prætor in the Course
of three Years inflicted upon them. At the

same time begging and intreating me not
 to disregard their Complaints, since to me
 alone they had a Right to apply for Re-
 lief. It was, my Lords, with Reluctance
 5 and Pain, that I found myself reduced to
 the disagreeable Necessity either of abandon-
 ing those who expected my Relief and Assist-
 ance, or to be obliged to lay down the
 Part I had ever acted from my Youth, which
 10 was that of a Defender, and to commence
 Accuser. I told them, that they might have
 Recourse to *Q. Cæcilius*, who succeeded me
 as Quæstor of their Province. But the very
 thing which I imagined would extricate me
 15 from this Difficulty proved the Means of
 embarrassing me further; for they would
 much more readily have agreed to my Pro-
 posal, had they not known *Cæcilius*, or had
 he not been in that Office.

20

THEREFORE, my Lords, I have thought
 proper to charge myself with a Part in
 which I did not consult my own Conve-
 niency, but that of my Friends; my Duty,
 25 my Engagements, Humanity, the Examples
 of the best Men in all Ages, the Practice of
 our Ancestors, and the Laws of my Country
 required it at my Hands. But, my Lords,
 in this Action, I have one Comfort left, which
 is

is, that my Pleading is not properly an AR-
RAIGNMENT, but a DEFENCE. For I de-
fend a considerable Body of Men, a Number
of Cities, and the whole Province of *Sicily*.
If therefore I am obliged to arraign *one* Man, 5
I conceive that I still act in my former Cha-
racter, since it is with a View to obtain Re-
lief and Justice for *many*.

BUT tho' my Motive had not been so 10
weighty, so decisive, and so important, tho'
the *Sicilians* had not solicited my Appearance
at this Bar, or my Connection with them
had been so small as to have excused me; yet
the Duty I owe to my Country, required me 15
to do my utmost in bringing to Justice a
Man infamous for Avarice, Insolence, and
Villany; a Man, my Lords, whose Crimes,
after being known not only in *Sicily*, but over
all *Achaia*, *Asia*, *Cilicia*, and *Pamphilia*, are 20
now public, and notorious at *Rome*. After
this who can blame my Conduct?

IMMORTAL Gods! Can I at this Day do
my Country nobler Service? Can I do any 25
thing more agreeable to the *Roman* People,
of greater Advantage to our most distant
Friends and Allies, or more for the Safety of
the

the Liberties and Properties of Mankind in general?

WHOLE Provinces were plundered, harassed, and ruined; the Allies and Tributaries of the *Roman* People apply in the Anguish of their Misery not in hopes of Redress, but of Alleviation to their Calamities. They who incline that the Administration of Justice should remain vested in the Senate alone, complain of the Insufficiency of the Accusers; and they who are in a Capacity of acting as such, demand the Rigour of Justice. In the mean time, the *Roman* People, tho' oppressed by many Inconveniencies and Difficulties, yet demand nothing more than the Revival of our venerable Courts of Justice. From the Scarcity of Tribunals they solicit the Re-establishment of the Tribunitial Power; From the Contempt into which they are fallen, it is found absolutely necessary that another Order should be associated with the Senate in its judicial Capacity; and the Infamy and Corruption of the Judges have reconciled the People to the Censorship, an Office that formerly appeared so severe; but now, my Lords, become popular and agreeable. Amidst these excessive Oppressions from the worst of Men, amidst the daily Complaints of the
Roman

Roman People, the Infamy of their Tribunals, and the Degeneracy of a whole Order, convinced, as I was, that the only Remedy which could be apply'd to these Evils was to put Men of Integrity and Worth into the Administration of your Government, and at the Head of your Laws, I own that I endeavoured to give the Republic Relief in that part where she seemed to be most affected. 5

HAVING thus given my Reasons for appearing in this Impeachment, I now think it proper to enter into the Merits of the Cause, that this Court may be able to form a Judgment of the several Pretensions which my Adversary and I have to appear here as the Accuser. I apprehend, my Lords, when an Information is laid against Bribery and Corruption, if any Dispute should arise about the Person who is the most proper to act as the Impeacher, that two Things are to be considered: First, Who the Person is whom the Parties aggrieved most desire should be the Prosecutor; and then, Who the Person is whom the Impeached dreads most in that Capacity. 10 15 20 25

MY LORDS, tho' I think both these Points are extremely clear at present, yet shall I touch

touch upon both : And first upon that which
at present ought to be most to your Purpose;
I mean, the Sentiments of those who have
been injured, and for whom this Prosecution
5 for Corruption has been set on Foot. *Verres*
is accused of having for three Years plundered
the Province of *Sicily*, of ruining the Cities,
demolishing the Houses, and pillaging the
Temples of the Inhabitants; the *Sicilians* in
10 a Body present their Complaints, and have
Recourse to my Friendship, which they have
long valued, and long experienced. By me,
they implore Protection from you, and from
the Equity of the *Roman* Laws, they point me
15 out as the Redresser of their Wrongs, as the
Avenger of their Injuries, as the Advocate of
their Rights, and as the sole Manager of this
Impeachment.

20 WILL you, *Cæcilius*, affirm one of two
Things, either that I officiously, and without
the Importunity of the *Sicilians*, intruded
as a Party in this Affair ; or that the Impor-
tunity of our best and most faithful Allies
25 ought in this Court to have no Weight ? If
you dare maintain what *Verres*, whose Enemy
you affect to be, earnestly desires should be
believed, that the *Sicilians* made no Appli-
cation to me, you do a Service to the Cause
of

of your pretended Enemy, against whom not Presumptions alone, but positive Proofs have been brought from the Notoriety, that the *Sicilians* all to a Man demanded an Advocate for their Rights against his Violations. 5

IF you as his Enemy shall deny this Fact, a Fact, which tho' it bears the hardest upon him, he himself must own, beware, my Friend, that you push not your Enmity with too gentle a Hand. Besides, some of the most illustrious Men in the City can give Evidence of the contrary; I am under no Necessity of naming them all. I shall only appeal to some who are present. I appeal to *Caius Marcellus*, who sits on the Bench, and to *Cn. Lentulus Marcellinus*, whom I see in Court, two Persons upon whose Friendship and Patronage the *Sicilians* have a great Dependence; the whole Province of *Sicily* being devoted to the Name of the *Marcelli*. 15 20

THEY know that I was not barely solicited, but intreated with so much Earnestness, with so many repeated Instances, that I must either have undertaken this Cause, or have shamefully bid adieu to every Friendship. But why do I bring Witnesses to this Fact, as if it were doubtful or obscure? Men, my

my Lords, of the greatest Quality in the whole Province, are present, ready to petition, ready to conjure you, that in naming the Manager of this Impeachment, your
5 Sentiments may be agreeable to their own. Commissioners appear from every City in Sicily, except two, and, if they were present, two very notorious Crimes, in which these Cities were Accomplices with *Verres*,
10 might receive some Alleviation. But why apply they chiefly to me for Protection? Were there any doubt upon this head, or were the Fact questionable, I could clear the Reason up. But as it is a Case so evident,
15 that you can judge of it from what you see, I know no Reason why an Objection from my being chosen, preferable to any other, ought to affect me.

20 BUT, my Lords, I am not to account for the Reasons that might determine them to apply to me. I am not to arrogate any thing to myself on Account of my Abilities; nor am I willing that any one should in the
25 least imagine me to be superior to other Pleaders. The Case is far otherwise; but a Measure of this Nature ought to be determined by the Circumstances, the Health, and the Abilities of the Agents employed. My
Senti-

Sentiments and Inclinations were always for employing one abler than myself; but myself rather than none.

THEREFORE, as it is self-evident that the 5
Sicilians applied to me, let me proceed to enquire whether this ought to be of Importance sufficient to engage your Thoughts, and to fix your Attention? Whether the Claims of your Petitioners, the Allies of the 10
Roman People, ought to be admitted, and have their due Weight in an Accusation of Bribery and Corruption. But why should I multiply Cases? Is it not evident, that the whole System of Laws upon this head was 15
 formed on Account of our Allies?

WHEN one *Roman* Citizen defrauds another, the latter has his Relief, in a civil Action, and the Laws of his Country. But this Law 20
 is *Social*, it is a Right peculiar to *Foreigners*; this is the Fort to which they can retreat; and tho' I own that some of its Out-works have been lately demolished, yet, if there is the least Hope remaining to cheer the Hearts 25
 of our Allies, it must proceed from that Law. A Law for which not only the *Roman* People, but the remotest Nations require the most jealous Guardians.

WHO

Who then will deny that a Law calculated for the Safety of a People ought not to take Place in Cases whereby that People is affected, and which immediately fall within
 5 the Intention of that Law? Could *Sicily* be supposed to speak, she would say, " You, "
Verres, have robb'd, you have plunder'd me
 " of all the Gold, the Silver, and Ornaments
 " contained in my Cities, my Houses, or my
 10 " Temples, and of every Privilege I enjoyed by Indulgence from the Senate, or
 " by Right from the People, of *Rome*; and
 " in their Name I demand of you by Law
 " an Account of a Million of Money." I
 15 say, had that whole Province one Tongue, this would be her Language; but as that is impossible, she has chosen the Person whom she thought most proper to manage this Impeachment.

20 OUGHT any Man in such an Event, to be so presumptuous or officious as to thrust himself in, and in Opposition to those who are immediately interested, offer himself as
 25 the Advocate of their Rights? Should the *Sicilians*, say to you, *Cæcilius*, *We are unacquainted with your Person, your Character, and your Country; suffer us therefore to commit our Fortunes to the Management of the*
Person

Person whose Friendship we have experienced;
 Would not every reasonable Man think this
 a proper Reprimand? But at present they
 flatly say, that they know both; that they
 commit their Interests into the Hands of the 5
 one, and will have nothing to do with the
 other.

THE Reasons for their Refusal, were they
 not exprest, might be easily understood. But 10
 they do exprest them. Shall you then
 thrust yourself upon them; shall you take up
 the Quarrel contrary to their Inclination; shall
 you defend them when they chuse to be
 abandoned by all, rather than protected by 15
 you? You assist them! When they know
 that *Self-interest* deprives you of the *Incli-*
nation; and that, tho' you had the *Inclination*,
 you are destitute of the *Power*, to serve them.
 Why should you endeavour to wrest from them, 20
 the small Remains of their Fortune, which
 they have now ventured upon the Equity of
 the Law, and Impartiality of their Judges,
 Why should you interpose against the exprest
 Inclinations of the Parties for whose Relief 25
 this Law was calculated! Why should you
 endeavour to strip the Persons to whom you
 are already obnoxious in that Province,
 of their *All*? Why would you deprive them

H

of

of the Power, not only of prosecuting their Rights, but of deploring their Miseries? Were you the Prosecutor, Sir, shew me the Man among them who would give his
 5 Evidence. Are you not conscious, their principal View is, not that another should be punished through your means, but that you yourself may be punished through some means or other.

10

THIS Point therefore I conceive to be clear, that the *Sicilians* desire to have me for their sole Manager; and shall the other Head I lay down be doubtful? I mean, who the
 15 Person is, whom *Verres* most dreads in the Capacity of his Accuser. Did ever Man more openly sollicite Honours? Did ever Man more earnestly struggle for Life, than *Verres* and his Friends did, that I should
 20 not be trusted in this Affair! *Verres* imagines that I have many Things to recommend me, of which he knows, *Cæcilius*, you are destitute. But these, and the Manner in which they exist in us both, I shall soon lay open.

25

ONE Thing I will now affirm, and to it I must have your silent Assent, that there is nothing in me which the Impeached can contemn, and nothing in you which he can
dread.

dread. Therefore does his mighty Champion
and Friend *Hortensius* give his Voice for you
in Opposition to me ; he openly solicites the
Judges to give you the Preference, declaring
that he acts without Design, without Passion 5
and without Prejudice. " I don't, says he,
" sollicite the Judges, as I was wont with
" Success to do, when I apply'd my most
" *persuasive Arguments*, that a Criminal
" should be acquitted : No, I do not : All I 10
" sollicite now is, that this Man shall have
" the Preference to the other as the Ac-
" cuser. Grant me but this, grant me a
" thing which you may do with Ease, with
" Honesty, with Reputation ; and when 15
" you yield, you yield at the same time that
" the Person whose Interest I espouse shall
" without any Danger, without any In-
" famy to yourselves, be acquitted."

20

BUT he proceeds further, and strengthens
his Address by Threatnings ; he tells them
that there are certain Judges in Court who
he could wish were to see the Suffrages.
That this was very easy, for the Judges did 25
not deliver in their Votes singly, but promiscu-
ously ; that every Judge should have a
Tablet lined with *lawful* Wax, and not in
an *infamous villainous* Manner. All these

Sollicitations are not really so much on Account of the Person of *Verres*, as because he is entirely dissatisfied with the whole Proceeding. For he is sensible, if the Practice
 5 of Impeachments shall be transferred from Boys of Quality, whom he has hitherto baffled, and from Pettifoggers, whom he has always justly contemned and undervalued; into the Hands of Men of Courage and Reputation, that he can then no longer dictate to
 10 the Courts.

But I must acquaint this Gentleman before hand, if it is your Pleasure that I should
 15 manage this Impeachment, that he must change his whole Practice of defending, and yet alter it in such a manner as to be more for his Interest and Reputation than perhaps he desires. Let him then imitate *Lucius Craf-*
 20 *sus*, and *Marcus Antonius*, whom he has known at the Height of Reputation, and who thought that the Interest of their Clients were to be supported in Court only by Honesty and Eloquence. If I am the Im-
 25 peacher, it shall go hard with me, if the Public shall have Reason to think, should this Court be corrupted, that it is not at the Peril of many.

IN this Cause, my Lords, the *Sicilians* are but *Accessories*, the *Romans* are *Principals*. The *Sicilians* require that I should crush one Villain, but the *Romans* demand that every Species of Villainy itself should be exter- 5
minated and abolished. How great my Abilities or Success may be, I chuse that others should imagine, rather than I express.

BUT, *Cæcilius*, where are your Abilities? 10
At what Time, or in what Cause have you given a Proof either of your Capacity or Honesty? Do you seriously reflect upon the Difficulties of managing a public Impeachment; in laying open the whole Course of 15
another's Life; and of fixing it not only in the Minds of the Judges, but painting it to the Eyes and Imagination of the Hearers? Of pleading for the Safety of our Allies; for the Rights of Provinces; the Force of 20
Laws, and the Dignity of Justice? Unpractised in pleading as you have hitherto been, learn from me, how many Qualifications must meet in the Man who impeaches another, and if you are conscious, you 25
possess any one of them, for my Part, I will yield the Cause with Pleasure. First then *Integrity*, and *unspotted Innocence*; for nothing can be more absurd than that a Man should

impeach the Morals of another, and yet be unable to vindicate his own.

I will make no particular Application of
 5 this to you. One thing I believe is evident,
 that the *Sicilians* are the only People who
 have had the Opportunity of proving you;
 and these to a Man declare, that, exasperated
 as they are at *Verres*, were you to be his Ac-
 10 cuser, not one of them would be present at
 his Trial. The Reason of this Refusal I
 shall not unfold; but it is plain, they suspect
 you to be deficient in some one essential Qua-
 lification of a Prosecutor. Perhaps, as they
 15 are a suspicious shrewd Sett of Men, they
 don't imagine that you would be very for-
 ward in bringing from *Sicily* Credentials
 against *Verres*. For as the Transactions of
 his Prætorship, and your Quæstorship, are
 20 filed in the same Registers, they suspect
 that you incline to secrete them.

IN the next Place, a Prosecutor ought to
 have a determined Resolution, and an honest
 25 Intention: Virtues, which, tho' your Inclina-
 tions were ever so good, you cannot in this
 Cause exert. I advance nothing which you
 may not invalidate, if you can, when I say, that
 before you left *Sicily* you was reconciled to
Verres,

Verres, that *Potamo*, your Secretary and Companion, remained with *Verres* when you departed, that *Marcus Cæcilius* your Brother, a Youth of great Accomplishments and Merit, was so far from being assisting or active in this Prosecution, that he lived in Familiarity and Friendship with *Verres*. There are likewise a great many other Presumptions of your Confederacy with the Impeached in this Prosecution, which I shall omit at present, only observe that were you never so sincere, yet you are not the legal Prosecutor. For I perceive a great many Crimes in which your Guilt is so much complicated with that of *Verres*, that you would not dare to touch upon them in your Impeachment.

ALL *Sicily* complains that *Verres*, when he had ordered his Granaries to be filled, and Corn was at two Sexterces the Bushel, extorted Money of the Farmers at the Rate of twelve in lieu thereof. This Abuse was enormous; the Extortion, unconscionable; the Robbery, barefaced; the Injury, intolerable. Were this his only Crime, I must needs condemn him.

CÆCILIOUS, how do you intend to behave? Will you make this an Article of your Prosecution,

secution or not? If you lay it in your Impeachment, do you not charge another with a Crime, of which you yourself was guilty at the same time, and in the same Province?

5 If you overlook it, of what Nature must that Impeachment be, which, for fear of your personal Interest, avoids even the very Mention of a notorious, of an infamous Fact?

10

By order of the Senate, a Quantity of Corn was bought from the *Sicilians* during the Prætorship of *Verres*, and they never received complete Payment; this is a material

15 Point against *Verres*, if urged by me, but insignificant, if by you. For you was then Quæstor, and had the *fingering* of the public Money; in which Event, tho' the Prætor had demanded it, it was in a great measure

20 in your Power to prevent any Abatement.

This is another Article of Accusation, which, if this Impeachment were managed by you, must be stifled. Even his greatest, his most notorious Frauds and Insolence, must pass

25 unnoted in the Trial. Believe me, *Cæcilius*, that a Confederate with the Person who is impeached, is an improper Hand to manage a Trial, which is to procure Satisfaction for our injured Allies,

THE

THE Farmers of the Revenue extorted Money from the Cities instead of Corn; was this an Imposition peculiar to the Prætorship of *Verres*? No; it obtained likewise under the Quæstorship of *Cæcilius*: How then can you charge him with a Crime, which you both could and ought to have prevented? Will you stifle the whole of that Article? Then *Verres* shall hear nothing in his Trial, of what while he was committing, he knew 10 he could not defend.

BUT all the Facts I have mentioned are flagrant and notorious, there are others of a more scandalous, and of a more secret Nature; in which *Verres*, in order I suppose to allay the Warmth and Heat of *Cæcilius*, generously shared with his Quæstor. You are conscious that I am informed of all these: If I had a mind to expose them, I could convince all the World that you not only was confederate in his Guilt, but that some Part of your Plunder remains yet to be divided. Therefore, if you, *Cæcilius*, demand to be admitted an Evidence as to these dark Transactions, I shall not oppose it, if the Laws admit you; but the Impeachment you must leave to those who are prevented by no Stains in

106 C I C E R O ' s O R A T I O N

in their own Character, from exposing and detecting them in another's.

BUT consider what a Difference there
5 must be between my Management in this
Impeachment and yours. I am to bring
into my Charge against *Verres*, Crimes, com-
mitted by you without his Knowledge and
wherein he had no Concern; because he had
10 full Powers to have prevented them; you
again charge him with Facts of which he is
innocent, lest some Part of your Confederacy
with him may be detected. How, Sir, do
you answer this? Are Facts indispensably
15 material in so important a Trial to be slurred
over? Shew me your Abilities for managing
the Prosecution? Shew me your Practice in
pleading? Shew me that you have either
Capacity or Experience as a Manager, as an
20 Orator, or as a Lawyer.

I know what a rugged, what a ticklish
Path I tread, for all Arrogance is disagreeable;
but that on Account of Wit and Parts is
25 most so. Therefore I neither will nor can
say much in favour of mine. It is enough
for me that I have a Reputation. How
slender soever it is, matters not, nothing I
shall say of myself can raise it.

As

As for you, Sir, I will drop this Affair, and treat you not as a Rival but a Friend. Consult then your own Breast seriously; recollect yourself, reflect upon what you are, and upon what you can do. Do you imagine 5 that you are equal to the Importance and Difficulty of supporting the Interests of our Allies, the Fate of a Province, the Rights of the *Roman* People, the Majesty of the Laws, and the Dignity of the Legislature? Do you 10 imagine that you have Eloquence to plead, Memory to retain, Wisdom to direct, and Capacity to comprehend the extensive and complicated Points that must arise in this Prosecution? 15

Do you imagine that you can distinctly point out every Transaction of *Verres*, as Quæstor, as Commissioner, as Prætor, at *Rome*, in *Italy*, in *Achaia*, in *Asia* and *Pam-* 20 *philia*, ranging them in your pleading under proper Heads, as to Time and Place? Do you imagine that you are equal to what is indispensably necessary in Cases of this Nature; that is, to represent the Effects of the 25 Lust, Avarice, and Cruelty of the Criminal, so as to be as detestable to those who hear them, as they were to the unhappy Objects who felt them.

BELIEVE

BELIEVE me, Sir, these are Things of
 great Importance ; and by no means to be
 overlooked : Every Circumstance must be
 laid down, proved, and explained. The
 5 Charge must not only be opened, but en-
 forced with great Dignity and Command of
 Expression, and if you expect to succeed, it
 is not enough that you are barely heard ;
 you must convince the Reason, you must
 10 move the Passions, of Mankind. Tho' you
 were indebted to Nature for many Quali-
 fications ; tho' in your Youth you had learned,
 and in your Manhood had improved upon,
 every Art, and every Science ; tho' you had
 15 read *Greek* at *Athens* instead of *Lilybeum*,
 and *Latin* at *Rome* instead of *Sicily*, it would
 however be a prodigious Effort of Genius,
 if you could compass an Affair of so great
 Importance and Expectation, by your Me-
 20 mory, explain it by your Eloquence, and re-
 commend it by the Beauty of a fine Voice
 and spirited Action.

You will, perhaps say, So ! then it seems all
 these Qualities meet in you. I wish they
 25 did ; however, I have earnestly endeavoured
 from my Childhood to attain them. But,
 if by Reason of their Weight and Difficulty
 I, who have made it my sole Business, have
 been

been unable to succeed, how must you be at a Loss, who not only never thought of them before, but now that you are embarked in them, are ignorant both of their Nature and Importance !

5

I have, and I appeal for the Truth of what I say to all present, had so much Practice in Pleadings and Trials, that few or none of my Contemporaries of equal Years have appeared in more Causes ; I have dedicated every Hour I could spare from the Duties of Friendship, to render myself completely Master of these Studies, and to acquire a Habit of pleading, and a Readiness of Expression ; yet may Heaven never be merciful to me, as often as I reflect upon the Day when I am to appear at the Bar, if I feel not only great Weight upon my Spirits, but a Trembling in every Joint of my Body.

15

20

I now figure in my own Mind the Sentiments and Consultations of the Public ; to what a Pitch the Importance of this Trial will raise their Expectations ; what a numerous Assembly the Infamy of *Verres* will summon together on this Occasion ; and in short, what an Attention my Recital of his Villainies must beget. A Reflection on all this

this

this puts me under the utmost Concern, how I shall deliver myself with a Dignity suitable to the Importance of the Occasion, the Expectations of the Public, or the Injuries of those whom Oppression has rendered his Enemies.

THESE, Sir, are Considerations that give you no Concern, no Apprehension, no Trouble; if you can learn by Rote from some antiquated Oration, I PROTEST, MY LORDS, or, MY LORDS, I HUMBL Y APPREHEND, or some such common-place Expressions, you imagine you come completely prepared for a Trial. But were you to meet with no Opposition, I apprehend you would be incapable to make the Judges understand your meaning.

EVEN now you don't reflect that you are to enter the Lists with a Man of Eloquence, and one who is every way prepared for his Defence; one with whom you must go thro' every Weapon of Oratory; and use every Art, sometimes to move the Passions, sometimes to convince the Understanding; one whose Capacity I praise without Jealousy; and whose Eloquence I commend, not because I think it can impose upon my Judgment,

ment, but because it charms my Attention. His Measures shall never disconcert, his Arts shall never pervert me; nay, he never will attempt to shake or weaken my Resolution by his Abilities; for I know every Turn, every 5 Quirk of the Gentleman's Pleading; often have we been on a contrary, often on the same, Side. While he pleads against me, he shall find that his own Abilities, great as they are, shall undergo as severe a Trial as the 10 Crimes of his Client.

As for you, *Cæcilius*, I imagine, I perceive in what manner he would amuse and puzzle you in every Argument. When he shall 15 bring you into a Dilemma, and leave you either to admit or deny the Fact; to agree or object to a Proposition, whatever Side you take, you shall still find yourself worsted. Immortal Gods! What Confusion! What 20 Perplexity! What Doubts must the good Man fall into, when his Antagonist shall begin to digest the different Heads of his Accusation, and to arrange upon his Fingers the principal Points of his own De- 25 fence! How must you be staggered when your Adversary shall ply you with his Proofs, his Definitions, and Divisions; how will you then begin to suspect that you have been persecuting

secuting an innocent Person ! How will you
 look when he shall begin to commiserate, to
 extenuate, and to throw upon you some
 Part of the public Odium that now lies
 5 heavy on *Verrès* ! When he shall mention
 the Relation between the Offices of *Quæstor*
 and *Prætor* ; the Practice of our Ancestors,
 and the Duties of your Character ! Are you
 equal to that Load of Reproach ? Consider,
 10 reflect again and again ; for to me there ap-
 pears great Danger not only of his confound-
 ing you with his Pleading, but of his jug-
 gling you out of your very Senses by his
 Action, and thus driving you from every
 15 Purpose, from every Resolution you had
 formed.

BUT I perceive we are soon to have a
 Trial of your Abilities, by your Attempts to
 20 answer what I have now advanced. If you
 do that to purpose ; if you *deviate* into one
 Word of Sense not contained in that Book,
 which some School-Master has vamp'd up
 from pilfered Pleadings, and put into your
 25 Hands, I shall then be inclined to admit that
 you may not be quite so unequal to this
 Trial, and that it is possible you may acquit
 yourself tolerably well as the Prosecutor of
Verrès. But if in this Prelude with me, you
 shall

shall be found naught, how can we imagine you will acquit yourself against a keen Adversary in the Engagement itself?

BUT admitting that this *Cæcilius* neither 5
can nor will do any thing, yet he comes prepared by skilful, expert Sollicitors. This indeed is somewhat, but not all : For in all Cases, the Person who is to make the principal Figure, ought of himself to be both 10
eloquent and ready. Yet I perceive that *Lucius Apuleius* is his first Solicitor, a Man, not a Novice in Life, but so in the Business, and in the Practice of the *Forum*.

15
His next Solicitor, I think, is *Alienus*, and him he has taken from the Forms. What Qualifications he may have in speaking I never was at pains to inquire, but he seems to have Strength and Lungs proper for Bawling. 20
These are your plight Anchors; the one, were you appointed the Prosecutor, will manage the whole Trial; the other in pleading will not exert his utmost Abilities, but consult the Decency proper to your Character, by check- 25
ing some Part of his Eloquence that you may appear somewhat considerable. Thus we have known the *Greek* Actors, who were to play an inferior Character, and had Advan-
I
vantages

vantages in Action over those who were to have the first, conceal a good deal of their Art, that the principal Parts might appear with greater Propriety. Such shall be the
 5 Conduct of *Alienus*, he shall solicit, he shall pimp for you, nay, to serve you, he shall sink some Part of his Rhetorical Faculties.

THEREFORE, my Lords, consider what
 10 Prosecutors we are to have in this great Trial: Since *Alienus* himself is about to suppress some Part of his Talents, if he has any, and *Cæcilius* hopes to appear considerable only if *Alienus* shall play Booty with
 15 himself, by leaving the other to act in the principal Character. Who is to act as the fourth Character in this Farce, I know not. Perhaps some one of these Pettyfoggers who solicit Employment under the Prosecutor;
 20 no matter to them who he is, *Cæcilius* or *Tully*.

YET these are the Gentlemen, who, tho' they are but Guests and Strangers themselves, have furnished you with an elegant
 25 Entertainment to the Public. I shall not do them the Honour to take particular Notice of what each of them shall advance in his Turn. By this short Method, since I mentioned

tioned them with no design, but by chance as they fell in my way, I shall please them all. But do you imagine that I am so destitute of Friends as to be obliged to accept of a Solicitor, not from amongst those who now 5 attend me, but from the Dregs of the People? And are you so destitute of Clients, as to endeavour to wrest this Prosecution out of my Hands, rather than inquire after some Criminal Client of your own Kidney 10 from the *Mænian* Column?

LET me, says he, be a Spy upon *Tully*. A Spy, Sir! How many must I be obliged to keep in Pay, should you find Access to my 15 Cabinet? It is not your Tongue only, but your Fingers that are to be watched. But my Opinion of all this Race of Spies is, in one Word; that these Fellows are not of such Importance as to force a Spy upon me 20 in a Cause, undertaken by, and entrusted to me. For my Honesty disdains a Spy, and my Diligence daunts an Informer.

BUT to return to you, *Cæcilius*; You must 25 surely be sensible under what Defects you labour. You surely know how many Qualifications you have to recommend you to the Criminal. What Answer can be made

116 CICERO'S ORATION

to this Objection? I don't ask what Answer
you can make; for it appears to me that it
 is not from you, but from the Book which
 your Prompter holds in his Hand, that we
 5 are to expect an Answer; but, if he prompts
 you seasonably, he will advise you to be gone
 from this Place without attempting to an-
 swer me one Word. For what can you ad-
 lege, but the threadbare Story, That *Verres* has
 10 injur'd you? I grant he did; because it is
 highly improbable that you should be the
 only Person, of the whole Province of *Si-*
cily, unaffected by the Injuries of *Verres*.

15 BUT your Countrymen found out an
 Avenger of their Wrongs. You, while you
 vainly endeavour to have Satisfaction for the
 Injuries you suffered, labour that those which
 he inflicted shall pass unpunished and unre-
 20 venged; nor do you perceive that it is not
 the *Right* only, but *Power* to punish, that
 is considered. Where both these meet in one
 Person, he certainly is preferable; but where
 the Competition lies between two, who
 25 each have but one of these Recommendations,
 the Choice naturally falls on him who has
 most Power, not on him who has the best
 Will.

BUT

BUT if you are of Opinion, that he who has received the greatest Wrong has the best Right to carry on the Prosecution, do you imagine that these Judges will resent the Wrongs done to your single Person, equally 5 with those inflicted on an oppressed and plundered Province? I believe yourself will allow that these are vastly more flagrant, and more apt to rouse Resentment in every Breast. Suffer then a whole Province to have the 10 Preference to you in this Prosecution; for the whole Province accuses, when the Person whom the Inhabitants have chosen as the Asserter of their Properties, the Avenger of their Wrongs, and the Advocate for their 15 Rights, is the Manager of our Impeachment.

BUT you urge that *Verres* has done you an Injury sufficient in its own Nature to in- 20 rereft others in your Quarrel. This I deny, and I think it is very material that the Nature of the Injury as well as the Grounds of your Resentment should be expressed. Then, my Lords, learn it of me; He, alas! is un- 25 corrigibly stupid, you can never learn it of him. There was at *Lilybeum* a Lady named *Agonis*, infranchised from the Service of *Venus Erycina*, and before his Quæstorship

ship she was in easy, plentiful Circumstances.
 One of *Antony's* Officers violently carry'd
 off some Music Servants belonging to her;
 under a Pretence that he was to imploy them
 5 on board the Fleet. The Lady then, as is
 common to all who attend, or are infran-
 chised from, the Service of *Venus* in *Sicily*,
 urged to the Captain the Service and Au-
 thority of *Venus*, and that she and all her
 10 Estate were the Property of that Goddess.
 When this was told to the virtuous, disin-
 terested *Cæcilius*, he ordered *Agonis* to be
 summoned before himself, and instantly caused
 it to be try'd whether she had said that her
 15 Person and Estate belonged to *Venus*. The
 Delegates immediately, as they were obliged
 to do, because Nobody disputed the Fact,
 give their Verdict against the Lady; the
 Quæstor upon this enters into Possession of
 20 her Fortune; adjudges her in her Person to
 be the Slave of *Venus*; then sells her Estate,
 and puts the Money into his own Pocket,
 Thus, while *Agonis* wanted to preserve a few
 Privileges under the Sanction and Service of
 25 *Venus*, the Injustice of this Man stript her of
 her Fortune and Liberty. *Verres* afterwards
 comes to *Lilybeum*, takes Cognisance of the
 Fact, reverses the Decree, and obliges the
 Quæstor to refund to the Lady all the Money
 which

which arose from the Sale of her Estate. I see you are surpris'd, but *Verres* was not then a *Verres*, but a *Mutius*. For what could he do, that could be more agreeable in the Eyes of Mankind, more suitable to the Distress of the Lady, or more vigorous against the Corruption of his Quæstor? These to me are all amiable Qualities; but *Verres* all of a sudden, and on the Spot, as if he had tasted an enchanted Cup, sinks into a true *Verres*. He gives way to Nature and Education, he sweeps a large Share of that Money into his own Pocket, and returns to the Lady just as much as he thought proper.

HERE, if you say that you *suffered* by *Verres*, I shall admit and own it; but that you was *wronged* by him, I dispute and deny. But if you yourself put up with this pretended Injury, who do you imagine is to fight your Quarrel? If you afterwards came into his good Graces; if he sometimes supped with you, and sometimes you with him, whether do you chuse to be thought a *Rogue*, or a *Shuffler*? One of them you must be, I will not differ with you about the Alternative; you may chuse which you will.

BUT, if not the least Proof of the Injury you alledge can be produced, what can you shew, what can you plead, why you ought to have the Preference, as the Accuser, not
5 only to me, but to all Mankind, other than, as I hear you are prepared to do, that you was his Quæstor? This indeed would be a material Circumstance in your Favour, were we contending who should most befriend
10 him: But as our present Dispute is upon the Preference of the Right to prosecute, it is ridiculous to pretend that Friendship is a good Reason for your appearing as his Enemy.

15 ADMITTING that his Wrongs to you had been reiterated, yet still was it more meritorious to suffer, than to revenge them. But as no Action in all his Life was more consistent with Justice, than that which you
20 term an Injury, will this Court find that this, which, even in an unexceptionable Prosecutor, would not be allowed, should be a just Ground for your violating the Relation you stand in with him? Admitting he has
25 wronged you, heinously wronged you, your impeaching the Man under whom you was Quæstor is *shameful*; and, if he has not wronged you, *villainous*. Therefore as the Wrong you have suffered is by no means
evident,

evident, must not every Judge in Court incline that you should depart with Honour rather than Infamy?

BUT see the Difference between your way 5
of thinking and mine. You, tho' inferior
in every other Circumstance, imagine that
your being his Quæstor entitles you to the Pre-
ference: But I think that, were you better
qualified in every other Respect, that this very 10
Circumstance is a just Ground of Exception.
For 'tis a Doctrine transmitted to us from
our Ancestors, that the Prætor is in Place of
a Parent to his Quæstors; that no Relation
can be more binding, more interesting than 15
a Conjunction in Office, than the common
Discharge of a public Duty, at the same
Time, and in the same Province.

THEREFORE, tho' consistent with Law 20
you could prosecute him, yet you cannot
consistent with Piety; because of your filial
Tyes. But while he never did you Wrong, if
you impeach your Prætor, then must you
acknowledge that your Enmity is, on your 25
Part, unjust and detestable: For the Nature
of your Office as Quæstor rendered you ac-
countable to him on that Occasion. Then
why should you accuse the Man, who was
your

your immediate Superior in Office? Nay, this very Circumstance is a strong Reason against your being admitted. Nor was there ever a Cause of thiskind brought by a Quæstor, who
 5 was not put under an Incapacity of prosecuting.

THUS *Lucius Philo* was excluded from prosecuting *Caius Servilius*; *Marcus Aurelius Scaurus*, *Lucius Flaccus*; and *Gneius*
 10 *Pompeius*, *Titus Albutius*; not one of these was excluded on Account of Insufficiency or Immorality, but lest the wanton Dissolution of a sacred Tye might receive a Sanction by the Sentence of a Court. Yet this very
 15 *Gneius Pompeius* had the same Plea against *Caius Julius*, that you now have against me. He was Quæstor to *Albutius*, as you to *Verres*. *Julius* strengthened his Plea with this Circumstance, that he was solicited by the
 20 *Sardi*, in the same manner as I am now by the *Sicilians*, to impeach. This Circumstance has always had decisive Weight, it was always thought a glorious Proof of an Accuser's Integrity, when, for the Allies of
 25 *Rome*, for the Good of a Province, and the Advantage of a distant People, he created Enemies to himself; when for them he exposed himself to Danger, and interposed with all the Abilities, with all the Zeal, and with
 all

all the Application he is Master of, in their behalf.

FOR if an Action is justifiable when brought by a Man in order to redress the Injuries he suffers, in which Case he seeks Relief not to his Country, but to himself, how much more glorious, how much not only more justifiable, but meritorious, is the Action brought upon no private Injury, but to redress the Wrongs, and alleviate the Anguish of the Allies and Friends of Rome! Lately, when *Lucius Piso*, a Man of the greatest Courage and Innocence, moved for an Information against *Publius Gabinus*, he was opposed by *Quintus Cæcilius*, under a Pretence that he was prosecuting him upon an old Grudge. The Cause of *Piso* was found to be as just and honourable as his Person was respectable and amiable, because the *Achæans* had solicited him to be their Protector.

As, in favour of the Allies and Friends of Rome, a Law was passed relating to Bribery and Corruption, it is unreasonable to suppose that the Man whom these Friends and Allies point out as the Manager of their Concerns, and the Protector of their Interests, is not a proper Prosecutor in an Impeachment founded on that Law. Ought not the Motives

tives of a Prosecutor greatly add to the Weight of his Evidence? And should not the Man who has the most honourable Motives, be presumed to have the most equitable Proofs?

5

THEN which of these Allegations is the most illustrious and honourable; *I accuse the Man to whom I was Quæstor, the Man with whom I was connected by Fate, by the Laws*
 10 *of my Country, and by every Decree of God and Man: Or, I impeach at the Instance of my Friends and Allies, at the Request of a whole Province, whose Rights and Properties I defend?* Can a Doubt remain that it is not
 15 more honourable to impeach at the Request of the People, among whom you was Quæstor, than to impeach the Man whose Quæstor you was?

20

THE best Men, in the best Ages of Rome, have ever deemed the fairest and most distinguishing Part of their Character to consist in redressing the Wrongs, and asserting the Properties of Strangers, of their own Vassals,
 25 and of *foreign Nations, Allies, and Tributaries of Rome.* It is recorded that the virtuous, the wise, and the illustrious *Cato*, created many powerful Enemies on account of the Injuries of the *Spaniards*, whose
 Consul

Consul he had been. We all know, that *Cneius Domitius* has lately impeached *Marcus Silanus*, on account of the Wrongs inflicted on a single Person, one *Ægritomarus*, the Friend and Guest of his Father. 5

AND indeed nothing strikes a greater Terror in the Guilty, than this Practice of our Ancestors, repeated and renewed after a long Disuse: The Complaints of our Allies re- 10 presented to a Man of some Activity, and their Redress undertaken by a Person, who seems to be able to defend their Properties with Zeal and Honesty.

THIS is what these Gentlemen dread, and therefore oppose. It is a Principle, they are sorry should ever have been broached, and more sorry still to see it practised. They think that should this Custom insinuate and 20 prevail, Law and Equity must pass thro' the Hands of Men of Virtue and Courage, and not of such beardless Boys, and Pettyfoggers as these.

OUR Fathers and Forefathers were not ashamed of this Principle, or of this Practice, when *Publius Lentulus*, then the Head of the Senate, with *Caius Rutilius Rufus*, his Sollicitor, 25

Sollicitor, accused *Marcus Aquilius*; or when *Publius Africanus*, a Man, the most distinguished of Mankind for social Virtue, and military Glory, for Quality and Fortune, after
 5 he had been twice Consul, impeached *L. Cotta*. Rome had then a Right to Glory and Prosperity; the Honour of this Empire, the Majesty of this City, had then a Right to challenge Respect, and Reverence. No Man
 10 was then surprized in the great *Africanus*, at the Things which they who bear me spite pretend now to be surprized at in me, a Man of narrow Circumstances, and slender Capacity.

15 WHAT does he mean, say they? Can the Man who has still been accustomed to defend, hope to succeed in impeaching, especially at an Age that entitles him to stand for the *Ædileship*? But I think it a Glory not only
 20 at my Years, but at a much more advanced Time of Life, to impeach the Wicked, and to relieve the Oppressed and Afflicted. And indeed either it is a Remedy for a languishing and almost incurable State of a Government,
 25 corrupted and contaminated by the infectious Vices of a Few, that Men of Honesty, Integrity, and Application, should take upon them the Direction, and vindicate the Honour of Law and Equity: Or if this is ineffectual,

effectual, the Disease is too far gone, and too much complicated to admit of a Remedy.

NOTHING gives greater Strength to Government than that an Impeacher should be as tender of his own Reputation, Honour and Fame, as the Impeached is solicitous about his Life and Property: Therefore the most jealous of their own Characters have still proved the most keen and active Prosecutors of others. Thus, my Lords, you ought to think that *Quintus Cæcilius*, a Man of little or no Consideration, from whom very little is expected upon this Trial, who has very little Reputation now to lose, and but little Hopes of gaining any hereafter, will not manage this Impeachment with the Severity, the Accuracy, and the Diligence it requires; for if he betrays his Trust he has nothing to lose, if he is shamefully and scandalously foiled, yet still will he retain all his native and acquired Honours.

OF me my Country has many Pledges; Pledges, which I am called upon by every Tye to preserve, to defend, to confirm, and to redeem. She has the Honour for which I am now Candidate; she has that Hope which gilds the future Prospect of my Life; she

she has a Reputation earned by my Sweat, my Watchings, and my Toils. If I acquit myself honestly and diligently in this Trial, then shall they be delivered up safe and un-
 5 blasted by my Country; but should I trip, should I fail in the least Circumstance, then must one Minute cancel the laborious and gradual Acquisitions of a whole Life.

10 THEREFORE, my Lords, it remains for you to pitch upon the Man whose Honesty, Diligence, Wisdom, and Authority are most likely to answer the great and important Ends of this Prosecution. Should you prefer
 15 *Cæcilius* to me, I should think it no Derogation to my Honour; but take Care lest the People of *Rome* should think that this just, this severe, this keen Prosecution was neither agreeable to you, nor is so to your
 20 Order.



A R G U-



T H E
A R G U M E N T.

ARCHIAS, by Birth, of Antioch; by Profession a Poet; the Tutor, the Companion, and the Friend of Cicero, was accused before the Prætor, by one Gracchus, upon the Law by which every Man who was enfranchised in any of the confederated Cities, and at the Time of the passing the Law dwelt in Italy, was obliged to claim the Privilege before the Prætor within sixty Days.

Cicero, in the following Pleading, makes a faint Attempt to prove that Archias was, in the Sense of that Law, to all Intents and Purposes, a Roman Citizen; but lays the greatest Stress of his Argument upon the personal Merit of his Client, and the Dignity of his Profession, which according to him entitled him, tho' he had been an Alien, to the Privileges of a Roman.

This is sufficient to give the Reader an Idea of the Occasion of the following Pleading, which happened in the 692d Year of Rome, and the 46th of Cicero's Age.



M. T.

C I C E R O's
O R A T I O N
F O R
A R C H I A S.



F, my Lords, I have any Capacity, which I own to be but slender; If I have any Merit as a Speaker, which I don't deny to be indifferent; but, indifferent as it is, if,
5 from my early Youth, it was improved by a regular Application to the Study of the Arts, which even at these Years I found delightful, the Defendant, *A. Licinius*, has a Right to claim the Fruit of all my Qualifications, of
10 all my Abilities. For, as far as I can retrace
the

the Scenes of Life, or revive the Ideas of the Age immediately succeeding Childhood, he it was, who, in the Course of all my Studies, prompted my Application, and directed my Progress. If, therefore, my Tongue, filed 5 by his Art, and tutored by his Precepts, ever relieved the Opprest, my Duty, and my Gratitude direct me to defend the Man who formed it to defend others.

10

AND here, lest some should be surprized at what I advance, as the Turn of his Genius, his Eloquence, and his Studies, require to be different from mine, give me leave to say, that tho' I never wholly apply'd myself 15 to Poetry, yet in all the liberal Professions there is an intellectual Relation, a secret Charm, that, connecting the one to the other, combines them all.

20

AGAIN, lest I am blamed for introducing in a regular Proceeding, in a public Pleading, before a Prætor, the best of Men, and of Magistrates, before impartial Judges, in so full, so frequent an Assembly, a Stile un- 25 known to the Forms of a Trial, and inconsistent with the Practice of the Bar, I beg to be indulged in what I hope you will conceive to be a decent Liberty of Speech, by

suiting it to the Circumstances of my Client.
 In pleading for an excellent Poet, and a Man
 of Letters, surrounded, as I am, by a Crowd
 of learned *Romans*, encouraged by your Pa-
 5 tronage of Arts and Sciences, and protected
 by such a Judge, give me leave to enlarge
 upon the Love of Learning and the Muse,
 and to use an unprecedented Language in
 supporting the Character of a Man, whose
 10 lettered *Indolence* has ever been averse to the
 Bustle of public Life: Indulge me, I say,
 in this, and I will prove, my Lords, that as
Archias is a Citizen, he ought not to be dis-
 franchised; nay, tho' he had the Misfortune
 15 of being an Alien, yourselves shall own that
 he is worthy the Privileges of a *Roman*.

FOR soon as *Archias* ceased to be a Boy,
 and had bid adieu to the Studies that tutor
 20 the youthful Mind into the Love of Arts,
 his Genius led him to Poetry. His Ca-
 pacity soon happened to distinguish him at
Antioch, the Place of his Birth, which was
 noble, and a City once eminent and wealthy,
 25 but still fertile in Men of great Learning,
 and true Taste. Afterwards in his Progress
 thro' the other Parts of *Asia*, and all over
Greece, so much was he admired, that
 tho'

tho' they expected more than what they had heard, yet did they not expect so much as they saw and experienced of his Genius.

ITALY was then full of the Professors of the Fine Arts and Sciences ; they were more assiduously then cultivated in the Country of *Italy*, than they now are in her Cities, and the public Tranquillity afforded them some Shelter even here in *Rome*. Therefore the Inhabitants of *Tarentum*, *Rhegium*, and *Naples*, presented him with the Privileges of their respective Cities, and other Marks of their Regard ; and every Man, who had the smallest Discernment or Taste, was proud of his Acquaintance and Friendship. His *Fame* thus spreading to Places where his *Person* was unknown, he came to *Rome* under the Consulate of *Marius* and *Catullus*; to these he endeared himself: The Actions of *Marius* afforded the noblest Subject for Poetic Genius; and the other not only deserved to be the Theme, but actually was the Judge and Friend of the Muse. Afterwards, the *Luculli*, while *Archias* was but seventeen Years of Age, invited him to their House. But, my Lords, it was the Virtues of the Heart,

134 C I C E R O ' s O R A T I O N

and Humanity of his Nature, not the Charms of his Muse, or the Brightness of his Genius, that recommended him to a Family, where he spent his Youth, and grew grey in the
5 Practice of every social Virtue.

HE was in these Days enjoy'd by *Marcus Metellus Numidicus*, and his Pious Son, admired by *M. Emilius*, familiar with the
10 elder and the younger *Catullus*, courted by *L. Crassus*, and so endearingly intimate was he with the *Luculli*, *Drusus*, the *Octavii*, *Cato*, and all the *Hortensian* Family, that they thought no Expression of their Regard for
15 him too great. Thus, an Acquaintance with *Archias* grew in some Sense to be a *Fashion*, and courted not only by Men of Taste and Discernment, but by those who were blind to all his Beauties, and sought Reputation by
20 pretending a Regard for his Profession.

HAVING lived long in this manner, he went to *Sicily* with *L. Lucullus*, and having left that Province in the same Company, he
25 came to *Heraclea*, which the strictest Faith of Nations, and the Sanctity of Laws have joined with *Rome*. He expressed his Desire of being enfranchised in that City, which was granted, as well on account of his personal
Merit,

Merit, as at the Recommendation of *Lucullus*. The Terms on which, by the *Plotian* Law, any Alien might be admitted a Citizen of *Rome*, were as follows: IF THEY WERE ENROLLED BY FREE CITIES, IF THEY HAD 5 A DWELLING IN ITALY AT THE TIME OF PASSING THE LAW, AND IF THEY DECLARED THEIR ENROLLMENT BEFORE THE PRÆTOR WITHIN SIXTY DAYS. *Archias* for many Years had resided in *Italy*, 10 and he had declared before the Prætor *Q. Marcellus*, who was his intimate Friend.

IF the Enfranchisement and the Law is all I have to prove, here will I rest my Defence; the Trial is over, for what can you, his Adversary, object to this Fact? *Lucullus*, a Man of the strictest Honour, Truth, and Integrity, is here in Court, ready to affirm it, not as a Matter agreeable to his Opinion, but 20 consistent with his Knowledge; not as a Thing he heard, but saw; not as an Affair in which he had some Concern, but what he actually transacted. Commissioners from *Heraclea*, all of them Men of Quality, are 25 present, ready to produce the public Mandates and Declaration of their Constituents, that prove him an *Heracleian* by Enrollment. But here you demand that the public Ar-

chives of *Heraclea* should be produced; tho' we all know that they, and the Office which contained them, were consumed by Fire in the *Italian* War. How ridiculous therefore is it, not to plead to the Evidences which we are ready to produce, and to insist upon our producing Evidences, which it is impossible we can command; to refuse what is recent in the Minds of Men, 5 and to appeal to the Authority of Registers; to reject what is affirmed on the Honour of an illustrious *Roman*, and the unquestionable, the uncorruptible Faith and Oath of a free City; and to demand the Evidence of Registers, which, at the same Breath, you own 15 may be, and often are vitiated!

BUT he did not reside at *Rome*: He, who, for so many Years before he obtained his 20 Enfranchisement, had made *Rome* the Bank of all he was worth in the World. But he did not *declare*; I affirm, he did, nay, entered his Declaration into these Registers, which by that very Act, and their being in Custody 25 of the College of Prætors, have a Title to the Authority of public Archives.

FOR as the Registers of *Appius* are said to have been very negligently kept, the Corruption

ruption of his Colleague before he was accused, and his Fate after he was condemned, in a manner cancelled the Authority due to public Records: Yet such was the indefatigable Application of *Metellus*, the most modest, most virtuous Man alive, that he went before *Lucius Lentulus* the Prætor, and the other Judges, and complained of the Erasure of one Name; therefore the Name of *Licinius* is still to be read there. 5 10

If this is Fact, why should you doubt of his Enfranchisement, especially as he was enrolled in another free City? If in *Greece* Men of no Consideration, and professing either no Art at all, or a very mean one, were gratuitously enfranchised in their Cities, is it probable that the *Rhégians*, the *Locrians*, the *Neapolitans*, and the *Tarentines* would deny to a Man, who had the Merit of superior Genius to recommend him, a Compliment which they never scrupled to bestow on vulgar *Mechanics*? How! when others, not only after their Enfranchisement, but even after the *Pappian* Law, found means to creep into the Registers of the Municipal Cities; shall he, who never claimed his Privilege by Virtue of his being enrolled in other 15 20 25

other Cities, because he wished still to pass for an *Heracleian*, be rejected?

You demand to see the Enrollment of our
 5 Estate; as if it were doubtful that at the
 time of the last *Censors* my Client was
 in the Army under that brave General *Lu-*
cius Lucullus; in the time of their imme-
 diate Predecessors, he was in *Asia*, where the
 10 same General was *Quæstor*, and under *Ju-*
lius and *Crassus* the People underwent no
 Capitation; but as an Enrollment in the Ca-
 pitation-Books does not constitute an En-
 franchisement, but only proves that a Man
 15 thus enrolled assumed the Character of a
 Citizen, know that at the time in which
 you pretend that, even by his own Con-
 fession, he had no Right to the Freedom
 of *Rome*, by our Law he then made a
 20 Will, he had access to the Privileges of a
Roman, and was recommended to the Treas-
 ury by *Lucius Lucullus*, then Consul and
 Prætor.

25 FIND out therefore some other Argu-
 ments, for neither by his own nor his Friends
 Conduct, can he ever be convicted. You
 demand, *Græchus*, of me, why I am be-
 witched with this Man? I answer, because
 he

he supplies me with an agreeable Relaxation for my Spirits, when fatigued with this Bustle of the *Forum*, and charms my Ears when stunned with its Noise. Do you imagine that I could possibly furnish Matter for 5 my daily Pleading on such a Variety of Heads, were not my Understanding cultivated with Learning, or that my Mind could be equal to such a Load of Altercations, were it not sometimes unbent by my learned Amuse- 10 ments. I own myself to be enchanted with these Studies. Let those be ashamed who so bury themselves in learned Dust, as that their Qualifications can neither be of Use to Society, nor give Credit nor Reputation to 15 themselves: But what have I to be ashamed of? I, my Lords, who never have been detained by Interest or Indolence, distracted by Pleasure, or diverted by Sleep for so many Years from the Offices of Humanity. Then 20 who can justly blame, who can censure me, if, while others are pursuing the Views of Interest, gazing at festal Shews and Solemnities, exploring new Pleasures, reposing the Body, or unbending the Mind, while they 25 are deep in the midnight Revel, in Dice or Diversion, I spend the recollective Hour in the pleasing Review of these Studies? Farther I can urge in my own Excuse; to them

them it is owing that I thus speak, that I thus reason ; that no Acquirements did I ever possess, which have not been employ'd to relieve my Friend. These indeed
 5 may be slender, but Virtue is of a more exalted Nature ; that I feel, and from what Source I derive it, this Breast informs me.

10 FOR had not my youthful Mind, from many Precepts, from many Writings, drunk in this Truth, that Glory and Virtue ought to be the Darling, nay, the only Wish in Life ; that to attain these the Torments of
 15 the Flesh, with the Perils of Death and Exile, are to be despised ; never for your Deliverance had I exposed my Person in so many Encounters, and to these daily Conflicts with the worst of Men. But on this
 20 Head, Books are full, the Voice of the Wise is full, the Example of Antiquity is full ; and all these the Night of Barbarism had still enveloped, had it not been enlightned by the Sun of Science. How many Pictures of
 25 the bravest Men, not to be gazed at, but to be imitated, have the *Greek* and *Latin* Authors left us ! It was by the lovely Ideas which I drew from their Excellence, that I regulated my
 my

my Conduct as a Magistrate, and at once improved my Head and my Heart.

How, it may be said, were all those great Men, whose Virtues are recorded, skilled in the Learning that you have so lavishly praised? It is hard to say that they were; but I affirm one Thing as certain. I own that I have known many, who, without Letters, by the almost divine Intelligence of their own Nature, have enjoy'd every good Quality, every amiable Virtue, and of themselves have acquired the Love and Veneration of Mankind; nay, I will add that Nature without Learning is of more Efficacy towards forming such a Character, than Learning is without Nature: But at the same time I do insist, that when intelligent improvable Nature, is assisted by polished Education, and regular Study, then somewhat inexpressibly beautiful, something inimitably excellent, is ever the Consequence.

SUCH was the Divine *Africanus*, known to past Ages, such the amiable *Lelius*, and the temperate *Furius*, and such, known to this Age, was *M. Cato*, that brave *Roman*, and learned old Man; all these never had apply'd to Learning, but from a Consciousness that

that their innate Virtue was improved and
 enlightened by Study. But were Pleasure
 without Utility to be the sole End of Learn-
 ing, yet must you own it to be the most
 5 generous, the most humane Exercise of the
 rational Faculties. Other Exercises depend on
 the Circumstances of Time, Age, and Place ;
 but these Studies give Nurture in Youth,
 and Amusement in old Age ; in Prosperity
 10 they grace and embellish, in Adversity they
 shelter and support ; delightful at Home, and
 easy Abroad, they soften Slumber, they shorten
 Fatigue, and enliven Retirement. Tho' I
 myself never had felt their Efficacy, nor could
 15 taste their Excellence, yet must they be the
 Object of my Adoration when I see them
 beam from others.

WHERE amongst us is the Mind so bar-
 20 barous, where the Breast so flinty, as of
 late to be unaffected with the Death of *Rof-
 cius* ? He died indeed an old Man, but a
 Man whose Art and Elegance seemed to
 challenge Immortality to his Person. Was he
 25 then so universally esteemed and loved for
 the inimitable Management of his Limbs ?
 And are we to overlook the divine Enthu-
 siasm of Genius, and the glowing Energy of
 the Soul ? How often, my Lords, have I
 seen

seen this *Archias*, (for I presume upon your Goodness, as I am encouraged by your Attention to this unusual Method of Pleading) how often, I say, have I seen him, when without the Assistance of a Pen he poured 5 forth a Number of excellent Lines on Subjects that were transacting while he composed them! How often has he cloathed the same Subject in a different Turn of Words and Expression, while whatever was the cool, the 10 digested Result of his Study, if reduced to Writing, has in my Hearing met with an Approbation nothing short of what is due to the Merit of Antiquity itself! Has not this Man then a Right to my Love, to my Ad- 15 miration, to all the Means which I can employ in his Defence? For we are instructed by all the greatest and most learned of Mankind, that Education, Precepts, and Practice can in every other Branch of Learn- 20 ing produce Excellence. But a Poet is formed by the Finger of Nature, he is aroused by the mental Vigor, and inspired by what we may call the Spirit of Divinity itself. Therefore our *Ennius* has a Right to 25 give to Poets the Epithet of *Holy*, because they are as it were lent to Mankind by the indulgent Bounty of the Gods.

MAY you therefore, my Lords, as you are Men, impassion'd with the Love of Learning, suffer the Name of *Poet*, which no Barbarism ever profaned, with you to be
 5 *Sacred*. Rocks and Deserts are respondent to the Voice, Music has Charms to sooth and tame the horrid Savage; and shall we, with all the Advantages of excellent Education, be deaf to the Voice of the Bard? The *Colo-*
 10 *phonians* claim *Homer* for their Countryman: The *Cbians* assert him to be theirs. The *Salamini-ans* affirm him to be a *Salaminian*, but the *Smyrnians* prove him to be of *Smyrna*. Therefore have they dedicated a Temple to
 15 him in their City; and many other People draw their Swords on one another upon the same Account.

Do they therefore claim a Stranger, be-
 20 cause a Poet, for their Countryman, even tho' dead, and shall we reject this living Poet as ours, who has a *Roman* Heart, and the *Roman* Laws to recommend him; especially as *Archias* employ'd the utmost Efforts of
 25 his Art and Genius to make *Rome* immortal by his Muse? For, when a Youth, he sung the *Cymbrian* War, and touched with Pleasure even the stubborn, the untractable Soul of *Marius*.

NOR

NOR is there a Breast so unsusceptible of Poetry, who is not pleased that the Muse should be the eternal Herald of his Praise: It is said that *Themistocles*, the greatest Man of *Athens*, when asked, *What Melody, or* 5 *whose Voice he heard with the greatest Pleasure*; answer'd, *That of the Man who could best rehearse his Virtues*. Thus the same *Marius* had the highest Esteem for *Lucius Plotius*, whose Genius he thought was fit to 10 celebrate his Actions.

THE *Mitbridatic* War, a War of such Importance, such Difficulty, such Variety; of such Action, both by Sea and Land, is all 15 painted by *Archias* in Verses, that not only do Honour to *Lucullus*, the best of Men, and the greatest of *Romans*, but reflect Lustre upon the Dignity of *Rome* herself. For the *Romans* under *Lucullus* penetrated 20 into *Pontus*, till then impregnable by means of its Frontier guarded by a Monarch's Arms, and a Situation almost inaccessible by Nature. Under him, the *Roman* Arms, with an inconsiderable Force, routed the innumerable 25 Troops of the *Armenians*. To his Conduct it was owing, that the *Romans* had the Glory of snatching and securing *Cyzicum*, the City of our dearest Allies, from the Fury of

a Monarch, and out of the destructive Jaws of a whole impending War. To our Praise shall it ever be recorded and related, that under *Lucullus* we sunk the Enemy's Ships, 5 we slew their Generals, and performed Miracles in the Sea-fight of *Tenedos*. Ours are the Trophies, ours the Glory, and ours the Triumphs. Therefore the Genius that records the Actions of our Heroes, at the same 10 time celebrates the Glory of our Country. Our *Ennius* was dear to the elder *Africanus*, and it is thought his Statue was erected in Marble, amidst the Monuments of that Family. Not only the immediate Subject of a 15 Poem, but even the Glory of the *Roman* People derives a Lustre from the Art of the Poet. *Cato*, the Ancestor of the Judge who sits here, is ranked among the Gods, and so the highest Honour reflected on the Conduct 20 of the *Romans*; in short, all the *Maximi*, the *Marcelli*, and the *Fulvii*, whose Virtues the Muse records, communicate a Proportion of their own Glory to every Man in *Rome*.

25 DID our Ancestors then admit to the Privileges of a *Roman* a Native of *Rudiae*; and shall we eject out of *Rome* an *Heracleian*, whom many Cities have courted, but whom the Laws of *Rome* ascertain to be hers? Ridiculous

diculous is the Mistake in imagining that the Merit of a *Greek* Poet is inferior to that of a *Latin*. *Greek* Verses are read almost universally ; the *Latin* are confined to the narrow Bounds of *Latium*. Therefore, if the Operations of the *Roman* Arms are limited only by the Limits of the Earth, we ought to pant that our Glory and Fame should reach, at least, as far as our Power is felt. These, as they are strong Motives to the People in general, whose Actions are celebrated, so to the particular Heroes, who expose their Lives in the Field of Honour, they have still been found the principal Incentives to Danger and to Toil.

WHAT an Army of Writers is the great *Alexander* said to have carried along with him ! Yet, when he stood by the Tomb of *Achilles* at *Sigeum*, *Happy Youth*, he cry'd, who found a *Homer* to celebrate your Courage ! Irrefragably true ! For had it not been for the *Iliad*, the Fame and the Ashes of *Achilles* had been buried in the same Grave. And did not *Pompey* the Great, with us, whose Virtues are equal to his Fortune, in a Military Assembly, enfranchise *Theophanes* of *Mitylene*, the Poet of his Praise ? And these brave Fellows, rough and unpolished as they were,

felt yet the Emotions of Glory, and sent up an approving Shout, as sharing in the Fame of their Leader.

5 ARE we then to suppose, that if *Archias* had not by our Laws been a Citizen of *Rome*, he could not have obtained his Enfranchisement from some General? Would *Sylla*, when he admitted *Gauls* and *Spaniards*, have
 10 refused the Suit of *Archias*? *Sylla*, I say, whom we once saw in an Assembly, when a very obscure Poet presented him a Petition upon the Merit of a hobbling Epigram to his Praise, ordered him instantly to be rewarded
 15 out of a personal Estate, which was then selling, on Condition that he should scribble no more. Would the Man, who thought that the Labours even of a wretched Poet deserved some Reward, have been ungrateful to
 20 the Wit, the Genius, and the Excellency of *Archias*? Could neither he nor the *Luculli* have had Interest enough with *Metellus Pius*, his intimate Friend, who was lavish of his Enfranchisements, to obtain that Boon; especially as that great Man had such a Passion
 25 for having his Actions recorded in Verse, that he heard, with some Degree of Pleasure, the harsh uncouth Things, called Verses, of Poets born at *Corduba*.

NOR

NOR must we difsemble a Truth which
 can never be darkened, and must be ever in
 our Eye: The Love of Praise byasses all
 Mankind, and the greatest Minds are most
 susceptible of a Passion for Glory. Those 5
 very Philosophers, who most preach up a
 Contempt of Glory, prefix their Names to
 their Works, and the very Performances in
 which they run down Ostentation and Dis-
 tinction, are eminent Proofs of their Vanity 10
 and Weakness. *Decimus Brutus*, that great
 Man, and excellent General, adorned the
 Entrance of the Temples, and the Monu-
 ments of his own Family, with the Verses
 of *Attius* his intimate Friend. The great *Ful-* 15
vius, who in his War with the *Ætolians* was
 attended by *Ennius*, made no Scruple to con-
 secrate the Spoils of *Mars* to the Muses.
 In this City, therefore, if Generals in their
 Armour have dignified the Name, and 20
 worshipped at the Shrine of the Muses, you,
 my Lords, in your Robes, ought to assert their
 Honour, and protect their Poets.

MY LORDS, to encourage you to this, I will 25
 now unbosom myself, and confess my per-
 haps too keen, but virtuous, Passion for Glory;
 for all, that in Conjunction with you, I ef-
 fected during my Consulate, for the Safety of
 L 3 this

this City and Empire, for the Lives of *Romans*, and the Liberties of my Country, is the Subject of a Poem which *Archias* has begun on that Subject. So much as I heard
 5 of it, which at once gave me Surprize and Pleasure, induced me to exhort him to complete it. For Virtue requires no other Reward for all her Toils and Dangers, but this of Praise and Glory. Take this away, my
 10 Lords, and what can remain in this narrow, this scanty Carreer of Life, that has Charms to prompt us to Toils and Dangers ?

SURE if the Mind could not launch into
 15 the Prospect of Futurity, were the Operations of the Soul to be limited to the Space that bounds those of the Body, she would not weaken herself by constant Fatigues, nor vex herself with continued Watch-
 20 ings and Anxieties, nor would she think even Life itself worthy of a Struggle. But a certain Principle lives in the Breast of every good Man, whose unceasing Hints prompt and inspirit him to the Pursuit of a Fame,
 25 which is not commensurate to our mortal Existence, but extending to the latest Posterity.

CAN we, who have undergone Dan-
 gers

gers for our Country, think so narrowly, as to imagine, that tho' from our entering, to our leaving the World, we have never breathed without Anxiety and Trouble, yet that all Consciousness shall be buried in the Grave with 5 ourselves? If the greatest Men have been careful to leave their Bustoes and Statues, these Pictures not of their Minds, but of their Bodies; ought not we to wish rather to transmit to Posterity the Resemblance of our 10 Wisdom and Virtues, designed and finished by the most accomplished *Artists*? For my Part, while I acted as I did, even then I imagined; that I disseminated and transmitted my Actions to the remotest Corners, and the latest Ages of the World. Whether there- 15 fore my Consciousness of this shall cease in the Grave, or, as some learned Men have thought, it shall survive as a Property of the Soul, yet still at this instant I feel from the 20 Reflection a flattering Hope, and a delightful Sensation. Therefore, my Lords, retain the Man whom the Affections of his Friends, his own Virtues, and his own Genius recommend. And how great his Accomplish- 25 ments are, you may learn from the greatest Men in *Rome*, whocourt him for their Friend: And his Plea is of such a Nature as to be proved by the Construction of the Law,

L 4

by

by the Faith of municipal Cities, the Evidence of *Lucullus*, and the Registers of *Metellus*. As the Case thus stands, we are emboldened, my Lords, if the Intercession not
 5 only of Men, but of Gods, can have any Weight, to hope, that the Man, who has ever added Lustre to you, your Generals, and your Country; who has undertaken to transmit to Posterity an eternal Memorial of your
 10 Praise, while your and my Domestic Dangers are yet recent; and whose Character has ever been esteemed and pronounced sacred, shall be sheltered under your Protection, that he may seem to be rather relieved by your
 15 Humanity, than oppressed by your Rigor.

THE Matters of Fact, my Lords, which I have with my accustomed Brevity and Simplicity related, require, I hope, no farther
 20 Proof. The manner in which, contrary to the Usage of the *Forum* and the Bar, I have enlarged upon the Genius of my Client, and the general Merits of his Profession, will I hope by you be taken in good Part, as I am
 25 sure they will by him who presides on your Bench.

THE



THE
A R G U M E N T.

MARCUS MARCELLUS was one of the most determined Opposers of the Power of Cæsar. After he had been Consul, in Conjunction with Sulpitius Rufus, he joined with Pompey in the Civil War: When the Battle of Pharsalia, where he was present, was over, instead of taking Advantage of the Willingness which Cæsar expressed to treat with the greatest Lenity all those that surrendered, he in a manner put it out of the Power of Cæsar to save him.

It appears from the Character, and by what we can learn of Marcellus, that his personal Interest in the Senate was very great. Tho' he was but a Plebeian by Birth, yet he counted a great many Ancestors and Friends who were noble; and his personal Virtues were so great, that he was in the highest Degree of Esteem with the greatest Orators, Lawyers, and Patriots in Rome.

As to his Political Character, it appears in one respect to have been singular, as it would seem that he disapproved both of the Conduct of Cæsar and his Antagonists. He thought perhaps that the Civil Disputes then were, not if
Rome

The ARGUMENT.

Rome should be free, but who should be her Tyrant. For notwithstanding he was one of the principal Adversaries of Cæsar, both by his Tongue and Interest in the Senate, before the Commencement of the Civil Wars, yet after the Battle of Pharsalia he saw so much into the Views of both Parties, that he refused to join either; tho' the Example of Cato, and his strong Power in Africa, seemed to invite a Renewal of the War there on the Part of the Republic. He therefore chose to be obscurely good, to spend the Remainder of his Time in a lettered Indolence, forgot by, and forgetting the World.

For this Purpose he retired to Mitylene, a neutral City, where he lived without Hopes, Desire, or Prospect of returning to Rome. The Senate however, encouraged by the many Examples of a generous Clemency which Cæsar had given in their own Body, resolved to petition Cæsar for the Pardon of Marcellus, whom they looked upon as the most useful Man in their Number. Cæsar, on the other hand, who before had Experience of the active Spirit, and invincible Aversion of Marcellus to his Party, could not persuade himself, or at least seemed unwilling to believe, that Marcellus in his Retirement was wholly taken up with Books and Contemplation; and he had lately heard some Hints of a Conspiracy to disturb his Government. Therefore when the Senate as one Man
implored

The ARGUMENT.

implored his Clemency in Favour of Marcellus, he fell into a kind of a Revery, and his Magnanimity seemed for some time to maintain a Struggle with his Resentment. For while the Senate were on their Knees, he figured Marcellus present ; and in a kind of a Soliloquy, Marcellus, said he, You still are, and always have been my inveterate Enemy, and even now I hear that Conspiracies are forming against my Person ; but as your Pardon is intreated by this venerable Body, I grant it.

All the Senators upon this severally returned him Thanks, but Cicero expressed his in the following beautiful Oration, which is perhaps one of the highest-strained Panegyrics that ever was pronounced. The Reader from it will easily learn the Esteem, the Love, and Friendship which Cicero had for Marcellus, with the Veneration and Dread which all Rome had of Cæsar.

It was delivered in the Year of Rome 707, and of Cicero's Age 61.





M. T.

C I C E R O's
O R A T I O N
F O R
M A R C E L L U S.



⁵ HIS Day, Fathers Conscript,
has unloosed my Tongue from
the Silence which Grief and
Regard, uninfluenced by Fear,
imposed in these Times of
Danger; and from this Hour will I date the
Recovery of my old, my manly Freedom,
of speaking what I think. Ill should my
Silence suit the Proofs of such excessive Hu-
¹⁰ manity, such unparalleled, such unprece-
dented Clemency, such Exercise of Mode-
ration

CICERO'S ORATION, &c. 157

ration in the Height of Power, with a Wisdom, so surpassing Belief, so approaching to Divinity. In *Marcus Marcellus*, Fathers Conscript, given back to you and his Country, I imagine that it is not his Voice and 5 Authority alone, but my own, that is restored to the Service of *Rome* and her Senate.

HEAVILY, sensibly, Fathers Conscript, was I afflicted that so great a Man, who was embarked in the same Cause, should not share 10 in the same Fortune, with myself: Nor could I be persuaded that it was not a kind of a Crime in me to resume my Functions here, while sever'd from the social Rival of my Studies, and the agreeable Partner of my 15 Toils. Therefore, *Caius Cæsar*, you have restored the Communication between my Person and my Character; and at the same Time erected as it were a Flag, that promises Protection, and inspires Hopes to these Fa- 20 thers of *Rome*. While many *supposed* it, I was *convinced*, when you lately gave back *Marcus Marcellus* to the Senate, to the *Romans*, and to his Country, especially after recounting all his Offences, that your Re- 25 gard for the Honour of this Senate, and the Dignity of this Government, had cancelled all your Resentment, and stifled all your Suspicions. The unanimous Intercession of the

the Senate, with the Majesty and Weight of your Concession in his Favour, has this Day amply repaid the Services of his whole Life. Important Lesson to the Great! To teach
 5 them, what a Merit there is in bestowing a Favour, when there is so great a Glory even in receiving it! Happy is the Man whose *Happiness* is felt not more by himself than by all Mankind! And such deservedly is the Case
 10 of *Marcellus*; for who excels him in Birth, in Probity, in universal Learning, in a blameless Life? Tho' no Man alive possesses such a Stream of *Genius*; tho' no Man's Tongue, no Man's Pen, has such a Force, such a Flow,
 15 I will not say to embellish, but to enumerate the Actions of *Cæsar*; yet will he pardon me if I affirm, that from no Action in his whole Life will he reap more Glory than from that of this Day.

20

OFTEN have I imagined, and often have I said, that all the Exploits of our Generals, of those of *foreign* Nations, the most powerful People, and the most glorious Princes,
 25 fall far short of yours, in the Importance of the Struggles, the Number of Battles, the Variety of Scenes, the Celerity of Conquest, and the Inequality of Force. You have invaded, you have conquered the most dis-
contiguous

contiguous Countries in shorter Time than the passing Traveller requires to hurry thro' them. All these are Circumstances, which I must be accounted void of Sense, did I not own them to surpass Imagination and Belief; 5 yet you possess Merits surpassing even these. Military Glory is often extenuated in the Relation, and lest it should be engrossed by the Generals, some Part of it is stript from the Commander, and communicated to the private Soldiers. And certainly in War the Courage of the Men, the Advantage of Place, the Support of Auxiliaries, Convoys, and Communications, are of great Importance. But Fortune still puts in her Claim for the greatest 15 Share, and whatever is successful, that she arrogates to herself. But, *Cæsar*, in the Glory which you have lately gained, you have no Partner; extensive, and nothing can be more so, as it is, it is wholly yours. No 20 Captain, no Colonel, no Troop, no Battalion, can here put in for a Share: Nor can even Fortune, that insolent Directress of human Affairs, here assume any Merit. She yields it to you, she owns it your's, and your's 25 alone; for never can Temerity mingle with Wisdom, nor ought Counsel to be confounded with Chance.

You

You have conquered Nations brutally barbarous, immensely numerous, infinitely contiguous, and abounding in every thing that can make War successful. Yet all these
5 their own Nature, and the Nature of things made it possible to conquer. For no Strength is so great as to be absolutely invincible, and no Power so formidable as to be Proof against superior Force and Courage. But the Man
10 who subdues Passion, stifles Resentment, tempers Victory, and not only rears the noble, wise, and virtuous Foe, when prostrate, but improves and heightens his former Dignity, is a Man not to be ranked with
15 Mortals, but resembling a God. Therefore, O *Cæsar*! the Pens and the Tongues, not only of *Rome* but of all Nations, shall celebrate your Military Glory, and latest Posterity shall admire your Actions. It happens, I don't know how, that these Virtues,
20 whether read or related, seem to be mixt with the Shouts of Soldiers, and the Clangor of Trumpets; but when we read or hear of a merciful, a generous, a humane, a gentle, or
25 a wise Action performed, when under the Influence of a Resentment, that Foe to Council; or when flushed with Victory, that Prompter of Insolence and Pride; with what a Passion are we forced, not only when
we

we read them in History, but in Romance,
for the Authors of such Actions! But you,
whose Presence we behold, whose Soul, whose
Sense, and whose Look we perceive, that you
should express your Desire to save all that 5
the Fortune of War has left to your Coun-
try, how shall we do Justice to you! How
ought we to adore, how ought we to love
you! The Walls, Sir, of this Court, by
Heavens, seem to wear an Expression of 10
Gratitude, as if conscious, that a short Time
will restore the *Roman* Majesty to this Seat of
our Ancestors.

INDEED when I beheld the Tears drop 15
from the Eyes of *C. Marcellus*, a Man of
the most consummate Virtue and Piety; the
Remembrance of all the great *Marcelli* rushed
upon my Breast; their Dignity, even after
their Death, you have restored, by preserving 20
Marcus Marcellus; and have saved almost
from utter Extinction that illustrious Race
now existing in but a few, a very few De-
scendants.

To this Day, therefore, may you give the
Preference in the long Catalogue of your
most applauded Actions. For what you
have this Day done could be done by none

M

but

but *Cæsar*; and it is characteristically his. What you did in the Field was indeed glorious, but you were then at the Head of a Body of brave Men. In this Action you
 5 stand single and unattended; an Action so great, that you may challenge Time to consume the Trophies it has reared, while Monuments erected by Art and Labour must yield to Age, and moulder into Dust.

10

BUT this Proof of at once a gentle and a just Soul, shall ever be unfading. Time shall improve its Glory, in proportion as it must consume other Monuments of your Greatness.

15 All other Conquerors you have indeed out-done in the Virtues of Equity and Mercy, amidst the Horrors of civil Commotion: In this Instance, you have out-done yourself. But what I *express* is, I am afraid, faint and
 20 unequal to what I *feel*. Give me Leave therefore to say, that you seem to triumph over your own Victories, by thus resigning to the *Conquered* the Fruits of your *Conquest*. For while you had a Right, by the Law of
 25 Arms, to treat us as *Enemies*, the Exercise of your Clemency confirms us your *Friends*. Deservedly, therefore, are you invincible, since you have taken even from Victory its Penalty and Sting.

HEAR

HEAR then, Fathers Conscript, how far this Clemency of *Caius Cæsar* extends. All of us, we must own, who, by a ruinous Fatality attending this Empire, were impelled to Arms, are in some measure liable to the 5
Imputation of human Infirmary; yet are we now exempted from its *Penalty*: For tho' he preserved *Marcus Marcellus* at your Intercession to his Country, yet did he unasked and unsolicited restore me to my- 10
self, and the State, and the rest of those honourable Men, to themselves and to *Rome*; hence you see this Assembly so numerous, and so full of Dignity: He did not bring within these Walls his Enemies, but 15
he judged that his Opposers were mostly hurry'd into Arms from Ignorance, from mistaken, from groundless Fears, rather than Ambition and Cruelty.

20

IN that War, indeed, my Sentiments were still for the lenient, the healing Measures of Peace: Much was I grieved, that not only an Accommodation, but the Voices of those *Romans* who implored it, were slighted. Never 25
was I active in these, or any other civil Com-motions; my Voice and Thoughts were ever intent on the gentle Arts of Peace, and averse from War and Bloodshed. I attended

Pompey in a *private*, and not in a *public* Capacity; and so strong were the Ties of Gratitude on my Mind, that *unexpected* and *undesiring*, *conscious* and *cool*, I plunged into
 5 what I thought *unavoidable* Perdition.

My Advice upon this Head was neither dark nor secret. Before Matters came to an Extremity, with unweary'd Pains I recommended Peace to the Senate, and at the Peril
 10 of my Life did I deliver my Sentiments of this War. Therefore no Man can judge so partially, as to doubt of *Cæsar's* Way of thinking in this respect, since his first Cares
 15 were employ'd to preserve the Advisers of Peace, while to others he was more resentful. This perhaps might not be so surprizing, while Victory was ballanced, and Events doubtful. But the Man, who, when victori-
 20 ous, loves the Counsellors of Peace, gives a noble Proof, that in his Eyes it is more eligible not to *fight* than to *conquer*.

AND indeed, on this Head I am an Evidence for *Marcus Marcellus*; our Sentiments, not as to Peace only, but as to War, were always the same. How often, and in what an Agony have I seen him trembling at the insolent Behaviour of certain Persons, and
 the

the barbarous Extremities to which Victory might transport them? Hence, O *Cæsar*! we, who had Experience of all this, ought to have a more exquisite Relish of your Generosity; for we are not now weighing the Principles of Action, but the Consequences of Victory. 5

WE beheld your Victories close in the Field where they were won, and in *Rome* we saw not the destructive Sword unsheathed. The *Romans* who fell, fell in the *Heat* of Battle, and not by the *Insolence* of Conquest; an infallible Assurance that *Cæsar*, did he possess the *Power*, retains the *Inclination*, to recall from the *Shades* a Multitude of *Romans*, tho' once his Foes; for even now he saves all he possibly can. As to the other Party, I shall only observe, that we all trembled lest Victory, had they been Victors, should be too destructive. 15 20

NOT only the Armed, but the Unactive, were insolently threatned by some among them, and they declared they would not enquire *what a Man thought*, but *where he was*: So that to me it seems as if the immortal Gods (who, that some Crime of the *Romans* might be expiated, drove them into the cruel

Calamity of Civil War) being now either appeased or satiated, had rested all the Hopes of our Pardon on the Wisdom and Clemency of the Victor.

5

THEREFORE, Sir, be proud of this amiable Quality, while you reconcile the Enjoyment of Power and Glory, to the Indulgence of your Nature and Disposition. The
10 most fruitful Source of Pleasure to the Wise!

When you reflect on other Circumstances that raised you to Greatness, much shall you attribute to your Courage, but more to Fortune. But never can you call to mind Us,
15 whom with yourself you have reserved to see the Salvation of your Country, without awakening the pleasing Ideas, raised by reflecting on your extensive Benevolence, amazing Generosity, and unparalleled Wisdom:
20 Virtues that form, I will not say the *highest*, but the *only* Blessing of Life. For such is the Effulgence of genuine Glory, so great the Dignity that beams from Magnanimity and Wisdom, that these seem the *Gift of Virtue*,
25 and all other Circumstances the *Loan of Fortune*. Indefatigably therefore persevere in pardoning the Good, especially those who fell not by Ambition or Corruption, but deluded, by perhaps a *foolish*, but surely a *well-meant*,

meant, Notion of what was their Duty, and the specious Pretences of public Good. It is not owing to you, if some still dread your Resentment, but it crowns your Glory, that the World in general is sensible, how little 5 Foundation they have for their Fears.

Now proceed I to your heavy Charge and gloomy Suspicions; all which ought to be guarded against, not more by you, than by 10 every *Roman*, especially by us whom you have preserved: And tho' I hope they are groundless, yet never shall I endeavour by my Expressions to extenuate them; for your Circumspection is our Safety; and were I to 15 err on any Extreme, it should be that of *too much Caution*, rather than *too little Prudence*. But who can be such a Madman? Is he of your Friends? Who can be more so than they to whom, contrary to their own Ex- 20 pectations, you brought from Ruin! Is he of those who followed you to the Field? Where is the Wretch so frantic, as not to prefer even to his own Life, the Life of the Man, under whose Command he has risen to all that 25 Ambition could wish! But if your Friends enter into no Conspiracy, may not your Foes? Where are these to be found! For all, who formerly were so, either owed their Death

to their own *Stubbornness*, or their Life to your *Mercy*. Thus no Man who ever was your Foe is alive, or if alive, he is now your determined Friend.

5

YET as the Mind of Man is so dark, and so impenetrable, we ought to increase your Distrust, and at the same Time your Circumspection. For shew me the Man so new
10 to the Affairs of Life, such a Novice in this State, so unheeding either his own or the common Safety, as not to be sensible, that in your Preservation his own is included, and upon your Life depends the Life of every
15 *Roman*? Indeed, when I meditate Night and Day with due Attention on the Accidents of Life, the uncertain Enjoyment of Health, and the Frailty to which Nature is subjected; I tremble, I grieve, that this State, which
20 ought to be eternal, should exist in the Breath of one mortal. But if, with human Accidents and doubtful Events depending on the natural Constitution, Treason and Villany shall cooperate, to me it appears, that a
25 God, were he *willing*, must be *unable* to save this Country.

By you alone, O *Cæsar*! every thing which you see overthrown and overturned by
the

the unavoidable Calamities of War is to be replaced : Public Justice must be restored, public Credit retrieved, the Lusts of Mankind suppressed, the Race of Mankind propagated, and every drooping Branch of the Constitution, that now hangs its Head, is to be reared and supported by the wholesome Severity of Laws. There is no denying that in so fierce a Civil War, amidst such a Combustion of Arms and Opinions, in every Event the State must receive a Shock, by the beating down some of her most graceful Ornaments and firmest Bulwarks. For the Head of each Party, in the Storm of War, was forced on many Measures which he would have disapproved of in the Calm of Peace. You alone are the Physician to bind up these Bleeding Wounds of your Country, and every Application from any other Hand must prove ineffectual.

WITH Reluctance therefore did I hear from your Mouth that Saying, which discovered at once the Hero and the Philosopher : *That you had lived long enough, either for Nature or for Glory.* Enough, if you will, for *Nature* ; nay, I will add for *Glory* too ; but surely not for the chief Purpose of Life, *your Country* ! Give over, therefore, I conjure

conjure you, that Philosophical Contempt of Death. Don't be a Sage, at the Expence of your Country : For it has often reached my Ears, that it is commonly in your Mouth,
 5 *that you have lived long enough for yourself.*
 True ! if I could suppose that you lived for yourself, and was born for yourself alone. But now that your Courage and Conduct are connected with the Safety of *Romans*, and
 10 the Constitution of *Rome* ; so far are you from having *completed*, that you have not yet laid the *Foundations* of those great Designs you meditate. Thus you limit your Life, not by the Good of your Country, but
 15 the Intentions of your Equity : But even that is not enough for the Purposes of Glory ; which, wise as you are, you must own to be the *ruling Passion* of your Soul,

20 SHALL I then, say you, *leave behind me but a scanty Portion of Glory* ? No, Sir ; to others it would be *sufficient* ; but to *Cæsar*, it is but *scanty*. For what considered by itself is *great*, may prove but *little* when compared with the Degrees to which it may be
 25 extended. But if you are to crown all your immortal Actions, by leaving *Rome* in her present State, after subduing your Enemies, beware, great Sir, lest all the Divine Virtues
 you

you possess excite not *Admiration*, rather than impart *Glory*. For *Glory*, true *Glory*, is the bright, the diffusive Herald of all the Praise, which the Lover of his Country, and the Lover of Mankind deserves. 5

THIS Scene remains yet to be performed ; with this Catastrophe must you wind up the Action of Life ; that you settle the Constitution, and depart in Peace, after beholding and enjoying the Tranquillity and Salvation of your Country: Then, when you have paid all you owe to *Rome*, and when Nature is satiated with living, you may pronounce that *you have lived enough*. But what ! after all ; is this *enough* ? Is it a Period that cancels all Consciousness, and debars all Reflection, as to every past Joy of the Soul ! Yet a Soul like yours, unbounded by the narrow Limits of Life, which Nature prescribes to us, has ever burned with a Passion for Immortality. 15 20

BUT your Life consists not in the Union of the Soul and Body ; of your Life, all Time shall be the grateful *Recorder*, Posterity the careful *Nurse*, and Eternity the faithful *Guardian*. For these must you labour, and by them must you be approved. Long have you performed Actions that may amaze them ;

them; 'tis now expected you should do some-
 what to *delight* them. Posterity no doubt
 will be struck, when it hears and reads of your
 Conquests, your Commands, the *Rhine*, the
 5 Ocean, the *Nile*, your countless Fights, and
 incredible Victories, your Trophies, your Lar-
 gesses, and your Triumphs; but if the Con-
 stitution of this City is not strengthened by
 your Counsels, and guarded by your Laws,
 10 your Fame may traverse and flutter thro' the
 World, but never can it fix to one collective
 Point of Glory. In future, as well as in the
 present Age, great will be the Difference of
 Opinions; while some immortalize your
 15 Actions, others perhaps may wish that some-
 what, nay, a great deal more, had been done;
 unless, by establishing the Happiness of
 your Country, upon the Extinction of civil
 Discord, you prove that the one was the
 20 Work of Fate, the other of Wisdom.

SUBMIT therefore to the Judgment of
 distant Posterity, a more impartial Judge, if
 I mistake not, than the present Age; because
 25 their Sentiments must be uninfluenced, by
 Love, Ambition, Hatred, or Envy. But if,
 as some falsely reason, you shall then be un-
 concerned at all this, yet surely now it must
 affect you; now you must aspire to act so as
 that

that your Glory may never sink into Oblivion.

THE Affections of the Citizens were different, and their Sentiments divided; for not only did we oppose one another in *Party* and *Principles*, but in *Arms* and in the *Field*. A certain Mistake prevailed; the Heads of both Parties were the most illustrious Men in *Rome*; many doubted which was in the right; many, what was most *expedient* for themselves; many what most *decent*; and a few, what was most *lawful*: The Commonwealth at length got over this ruinous, this destructive War: Victory favoured the Man who did not inflame his Resentment by Conquest, but softened it by Clemency; the Man who did not adjudge to Exile, or to Death, the Enemy at whom he was exasperated. Some quitted their Arms; they were forced from others. That Citizen is unjust and odious, who, when Hostilities are laid aside in the Field, retains them in his Bosom; much more justifiable is he, who lays down his Life in the Field of Battle, and seals with his Blood the Cause he has embraced; for what some will think *Stubbornness*, others will imagine to be *Constancy*.

BUT

BUT because all civil Discord is now either subdued by the Arms, or extinguished by the Clemency, of the Victor, it only remains, that every wise Man, every Man who
 5 is not a downright Ideot, should own the same Allegiance. It is, O *Cæsar*! only by your remaining safe and fixed in the same Principles which you have heretofore, but this Day more particularly, expressed, that
 10 we can be preserved. Therefore all of us who wish the Prosperity of our Country, beg and intreat, that you would provide for your Life and Safety; and all of us, (I speak for others what I myself feel) as you suspect some
 15 Reason to be cautious, promise not only to guard you by Day, and to watch you by Night, but to form with our own Bodies, and our own Breasts, the Wall of your Defence.

20 BUT, that I may end as I begun; the Thanks we now return you, O *Cæsar*! are great; and those we have in Reserve are greater still: For our Prayers and Tears are, on this
 25 Occasion, convincing Proofs, that we are all of the same Mind; but as there is no Necessity that we should all deliver ourselves formally, they leave that Part to me, who am under a kind of Necessity to express

preſs whatever is becoming on ſuch an Occaſion, as that of reſtoring *Marcellus* to this Senate, to the People of *Rome*, and to the Boſom of his Country; for I perceive that this univerſal Joy ſprings not from a Senſe of the Preservations of one Man only, but from the Good of the whole. 5

MY Regard and Friendſhip for him was ſincere and diſinterſted; a Friendſhip ſo plain to all the World, that it ſcarcely yielded to that his excellent, his affectionate Brother *Caius Marcellus*, and, if to him, to Nobody elſe; ſince no Pains, no Anxiety, no Toil was wanting in me while his Preservation was doubtful. And this ſure is a Duty which I ought to perform in an Hour, that has delivered me from ſuch Anguiſh, ſuch Vexation, and ſuch Anxiety. Therefore, O *Cæſar*! I here return you Thanks, in as much as, by this ſingle Act, you have crowned all your former Favours, of preſerving my Fortune, adding to my Dignity: And an Acceſſion which I thought the innumerable Obligations I already owed you, could not have admitted of. 15 20 25



THE A R G U M E N T.

THE following Oration, one of the most celebrated that ever Tully pronounced, was owing to a Law preferred by C. Manilius, a Tribune of the People, constituting Pompey, General in the Great War with Mithridates and Tigranes. Pompey having at the same Time the Command of a fine Fleet, by which he had suppressed the Pyrates, some Roman Patriots, from a laudable Jealousy of great Power vested in one Man's Person, opposed this Law, upon the Principles of the Roman Constitution, which never admitted one Man into such a Number of Posts, nor gave him so extensive a Command as to put it in his Power to destroy the Liberties of his Country; except in Times of the most imminent Danger to the State, and then a Dictator was chosen, an Office determinable in a short Time. The Scope of this Oration is to prove the Exigencies of the State to be so pressing, that there was an absolute Necessity for committing the War into the Hands of Pompey. This introduces a pompous Panegyric upon that Hero, and several oblique Reflections upon his Rivals in the Army.

N

Cicero

The ARGUMENT.

Cicero was then first Prætor ; and this Oration was delivered from the Rostrum to the Body of the Roman People ; in the Consulship of M. Æmilius Lepidus, and Lucius Volcatius Tullus : In the 68th Year of Rome, and the 41st of Cicero's Age.



M.



M. T.

C I C E R O's
O R A T I O N
FOR THE
M A N I L I A N L A W.



HO' I am always charmed with the Fulness and Frequency of this Assembly, and, *Romans*, tho' the Majesty of this Place gives Dignity to Counsel, and Weight to Debate; yet not thro' Choice, but the Situation attending my early Purposes of Life, have I hitherto been shut out from this Career of Glory, ever open to the Worthy and the Wise. For, as my Youth debarred me from the Honour of mounting this Rostrum; and as I was determined to deliver from hence

5

10

nothing but what Genius should dictate, and Art complete, I thought myself obliged to crowd into that Interval of Life every Duty that Friendship and Humanity required.

5 WHILE this Place, therefore, was filled with a Succession of *Roman* Patriots, I acted in the Character of a private Pleader, with such a Purity of Hands and Heart, that
 10 your Suffrages have raised it to a full, a glorious Reward. For when the Election was thrice adjourned, I was as often returned *first Prætor* by the assembled Centuries of *Rome*, and thus learned, from your Sentiments of
 15 me, what Qualifications you require in another. Now, that in my Person is vested the Power which you communicate to the Offices I enjoy, and as my Capacity in Business has been improved by unwearied Ap-
 20 plication in the *Forum*, and an almost daily Practice in Pleading; sure, if I possess such Powers, I ought to exert them for those who bestowed them; and, if the Effects of my Pleading are any ways considerable, let me
 25 display my Eloquence to the People, whose Voices crowned it with this signal Reward.

IN the first Place, I think, I have Reason to congratulate myself, that, unaccustomed

as I am to speak in this manner, and from this Place, such a Subject has presented, that tips even the unpractised Tongue with Eloquence. The Virtues, the amazing Virtues of *Pompey* are to be my Theme; a Theme, 5
on which the Speaker must dwell with such Rapture, as puts him in a Difficulty where to stop, rather than how to begin: Thus my Business at present is not to search for the Materials, but to arrange the Order of my 10
Oration,

THAT it may therefore set out with the Subject for which we are assembled; A ruinous War was carried on against your Tribu- 15
taries and Allies, by two mighty Monarchs, *Mitbridates* and *Tigranes*. The first of these Princes was abandoned after he was conquered; and the other provoked into an Attempt to make himself Master of all *Asia*: 20
Letters were daily brought from *Asia* to some *Roman* Knights, all Men of Honour, who have a great Interest depending upon the Collection of your Revenue: These, on account of my near Connection with their 25
Order, laid before me the Interests of the Public, and the Ruin to which their own private Fortunes were exposed; they shewed me that a great Number of Villages in *Bi-*

thynia, a Roman Province, were burned
 down; that the Dominions of *Ariobar-*
zanes, which border on those of your Tri-
 butaries, were wholly in the Hands of the
 5 Enemy; that *Lucullus*, after performing
 Wonders, had retired from that War; that
 his Successor was but ill-provided for the
 Execution of so important a Commission;
 that one General was pointed and demanded
 10 by the Voice of every Ally, of every Citi-
 zen of *Rome*, as the only Man alive, who
 could strike Terror into our Enemies.

Thus have I laid down the Point in
 15 Question; but how you shall determine lies
 in your own Breasts. My Duty, I think,
 now leads me to speak first of the Nature,
 then of the Greatness of the War; then
 of a General proper to manage it. Its Na-
 20 ture is such as to demand all your Resent-
 ment, and to arouse all your Courage: That
 Glory, which on all Occasions was great,
 but in the Field greatest, the Glory transmit-
 ted by your great Fore-fathers, into your
 25 Hands, the Safety of your Friends and Allies,
 purchased by the best Blood of your An-
 cestors: The surest, and the fairest Revenue
 of *Rome*, that Revenue, which alone com-
 municates Dignity to Peace, and Success

to War; in short, the Fortunes of Numbers of Citizens, now depending upon the Protection of you and your Generals, are all at Stake.

5
AND because the Thirst of Glory is greater, and the Passion for Fame stronger in you, than in any other People, you are to wipe out that Stain, that obstinate, that deep Pollution of *Roman* Glory, contracted 10 in the last *Mitbridatic* War; when the Tyrant in one Day, over all *Asia*, thro' so many States, by the Contents of a single Letter, marked out the Citizens of *Rome* to bleed, and to be butchered; and this he not only did 15 with Impunity, but now counts the twenty third Year from that *Æra* of his Royal Barbarity: He still reigns, nay, reigns with an Insolence, not confined to *Pontus* or *Capadocia*, but emerging from the Limits of 20 his paternal Inheritance, and breathing the Air of your Tributary Dominions, that is, of *Asia*.

FOR hitherto your Generals have fought 25 on such a Footing with this Prince, as to carry off the Trophies of Victory, but not Victory itself. *Lucius Sylla* triumphed, *Lucius Murræna* triumphed, over *Mithridates*.

These two were brave Men, and accomplished
 Generals: Yet their Triumphs were such
 as to leave him, amidst all his Defeats and
 Disgraces, in Possession of Empire. But what
 5 was done by these Generals deserves *Praise*,
 and what was left undone, *Pardon*; for the
 Concerns of the Public recalled *Sylla*, and
 the Commands of *Sylla* recalled *Muræna*
 from the Prosecution of that War.

10

BUT *Mitbridates* employ'd the Interval,
 not in Endeavours to efface the Remembrance
 of the last, but in concerting the Operations
 of a new, Campaign. After he had built
 15 and fitted out vast naval Armaments, and
 taken into Pay an immense Body of Land-
 forces from every Quarter where they could
 be had, he pretended that these Preparations
 were designed against the *Bosphorani*, his
 20 Neighbours: He then sent Commissioners
 from *Ecbatana* to the Generals we were
 then at War with in *Spain*; that being
 obliged to make Head both by Land and
 Sea against two Enemies acting in Concert,
 25 tho' in very distant discontiguous Places, and
 embarrassed by this Plan of a double War,
 your Empire might become the Prize of
 Conquest. But one Part of this Storm that
 proceeded from *Sertorius* and *Spain*, which
 was

was by far most threatning, and most collected, was dissipated by the divine Conduct, and unparalleled Courage of *Pompey*. In the other Scene of Action, *Lucullus*, that great Man, acted in such a Manner, that his entering upon Action, which was great and glorious, deserves to be attributed rather to his *Virtue* than to his *Fortune*; and these last and late Accidents to *Mischance*, not to *Misconduct*. But of *Lucullus* I will speak elsewhere; and, *Romans*, I will speak in such a Manner, that he shall be stript of no real Deserts, nor cloathed in any imaginary Merit. But, as the Purport of my Speech is the Glory and Honour of your Government, that is the principal Point that now comes under your Deliberation.

YOUR Fore-fathers often entered into War, to revenge the Insults and Injuries affecting their Merchants and Seamen. With what Resentment then ought you to be fired, when by a single Express, and at a peremptory Hour, so many thousand *Roman* Citizens are put to the Sword. Some Circumstances of Insolence, offered to their Commissioners, were by your Ancestors thought a justifiable Reason for the utter Demolition of *Corinth*, that EYE of all enlightned GREECE:

GREECE: And shall you tamely and coolly bear the Tyrant, by whom a *Roman* Embassador, who had been your Consul, felt the Whip and the Wheel, was bound and butchered? Your Fathers resented every Infringement of *Roman* Liberty; and shall you supinely overlook the Murder of *Roman* Citizens? These avenged even a verbal Insult upon the Dignity of their Representative; and shall the Blood of a *Roman* Embassadour, shed in a cruel ignominious Manner, cry for no Vengeance from you?

ROMANS, beware, beware! lest, as their transmitting to your Hands this Extent of Empire was glorious for them, your Inability to preserve and defend it should be infamous for you! What! when the pressing Difficulties, the imminent Danger of your Allies, call out, are you to be unactive? *Ariobarzanes*, a Prince, the Friend and Confederate of the *Roman* People, is expelled his own Dominions. Two other Kings, the inveterate Foes not only of *Rome*, but of every Man who loves or supports her, threaten all *Asia*: When the Imminence of the Danger obliges her, all the States, and all the Country of *Greece*, do cast upon you an imploring Eye; but without daring, without presuming, to think they

durst

durst, unchastised and unpunished, name the General who is to relieve them, as you have put another into that Commission.

THEY see and know, as you do, that 5
there is one Man, who unites in the highest
Degree every Qualification of a General;
and, which is more for their Purpose, that
he is at hand: A Man, by whose very Ap-
proach and Name, tho' he acted in the Cha- 10
racter of a Sea-Officer, they perceived the
Enemy to be disconcerted and defeated.
They, because they dare not speak out, fi-
lently implore you, that you should consider
them as worthy in common with the other 15
Allies at *Rome*, to be saved and protected by
such a Hero. This Request is the more
reasonable in them, as we have sent into their
Provinces Men cloathed with the highest
Character, who defended them indeed, but 20
whose March into their Cities had almost
all the Effects of Military Execution after a
desperate Defence. But him they have now
in their Eye they formerly heard, and now
they feel, to be so temperate, so gentle, and 25
so humane, that happiest appears that Peo-
ple among whom he longest resides.
Therefore, if without any personal Provo-
cation being offered to themselves, but purely
on

on account of their Allies, your Ancestors fought with *Antiochus*, with *Philip*, with the *Ætolians* and the *Carthaginians*; what keen Resentment ought you, who have
 5 been personally injured, to shew, in a Quarrel, wherein the Dignity of your Empire is united with the Preservation of your Allies; and wherein the finest Revenue of your Government is at Stake? For, *Romans*, the Re-
 10 venues of the other Provinces are but just sufficient to defray the Expences of protecting them; but *Asia* is so rich, so fertile, its Crops so plentiful, its Fruits so various, its Pasture so extended, and its Commodities for Ex-
 15 portation so numerous, that it claims a Preference to all *our* World besides. This Province therefore, my Friends, if you wish to make War with *Success*, if you desire to enjoy Peace with *Honour*; this Province you
 20 are not only to guard, against the Calamity of Conquest, but to deliver from the Apprehension of Danger.

In the other Concerns of Life, the Loss
 25 is felt when the Disaster happens; but your Finances are ruined, not only in the Event, but by the very Apprehension of a Disaster: For when an Enemy approaches, tho' they don't invade a Country, the Cattle are turned
 adrift

adrift, the Fields lie uncultured, and Commerce stagnates. Thus no Revenue can arise, either from the Navigation, from the Tythes, or from the Farmers of the Public; and thus the very Dread of Danger, 5 the very Apprehension of a War, often sinks the Revenues of a whole Year.

IN what a Situation then may you suppose the Factors, the Collectors, and the 10 Farmers of your Finances, while threatened with an Irruption from the formidable Arms of the two Monarchs; when a single Detachment of the Enemy's Cavalry, on a hasty March, may rifle the Revenue of an 15 entire Year! When your Officers shall perceive, exposed to the most imminent Danger, all their numerous Colonies whom they employ in the Forests, in the Fields, in Harbours, and in Garrisons; can you expect to 20 enjoy the Labours of all these, without preserving the Labourers, as I said before, not only from Ruin, but from the Apprehensions of Danger?

NOR ought the last Point I proposed to 25 speak to, when I touched upon the Nature of the War, to be out of your Thoughts; I mean the Interests of many *Roman* Citizens:

Thes

These, *Romans*, your Wisdom directs you carefully to consult. For the Officers of your Revenue, all Men of Worth and Wisdom, have carried their Estates and Effects
 5 into that Province. Were there no other Motive, this should be sufficient to alarm you; for if we have ever esteemed Finances to be the Sinews of a State, we may justly look upon that Body who collects them to
 10 be the Cement and Support of all our other Bodies Politic.

THEN a great Number of industrious active Men, of other Denominations, whose
 15 Interests you ought to take Care of in their Absence, are, some of them now trading in *Asia*, while some of them have laid out all their own and their Family's Fortunes, to a great Extent, in that Province. Humanity
 20 therefore dictates, that you should shelter so great a Number of *Romans* from the impending Storm; and Wisdom, that public Calamity is inseparably connected with a private Ruin that must affect so many In-
 25 dividuals. Little will it avail you, tho' a Victory should afterwards give you back the Revenues which you lost by your public Officers; for never shall you be able to farm them out again at the same Rate, because some
 will

will be disabled by their Losses, and others cautious from their Fears.

BESIDES, we ought to have imprinted on our Remembrance what was taught us by 5 the same Province, and the same Prince, towards the Beginning of the *Asiatic* War. For we know how public Credit sunk at *Rome*, from a general Stoppage of Payment, occasioned by the great Losses of our Fellow- 10 Citizens in *Asia*. And indeed it is impossible, when a great Number of Individuals are rendered Bankrupt in one State, to prevent the Calamity from becoming general. Save your Country from this Danger; and 15 believe me, that the Wealth you see, that the Credit which circulates in *Rome*, that the Payments made in the *Forum*, are linked with, and dependant upon, these *Asiatic* Revenues; nor can these be ruined, without the 20 whole System of public Credit receiving a fatal Shock. Consider therefore, if you ought not to direct the whole of your Counsels and Arms to support a War, wherein, with the Being of your State, you assert 25 the Dignity of your Reputation, the Safety of your Friends, the best Branches of your Revenue, and the Properties of your Fellow-Citizens;

HAVING

HAVING said thus much on the Nature of the War, give me leave to touch a little on its Greatness; and this I will venture to say, that tho' its Nature renders it absolutely necessary, yet its Greatness never
5 can render it too formidable: On this Head I must chiefly labour, that some Particulars, which ought to awaken all your Attention, may not by you be slighted. And here, that
10 every Man may be sensible that I will do as much Justice to the Character of *Lucullus*, as is due to that of a brave *Roman*, a wise Man, and a great General, I shall own, that when he arrived, the vast Army of *Mithri-*
15 *dates* was furnished with every thing that Necessity or Conveniency required to the Field; that *Cyzicum*, the noblest City of *Asia*, and the dearest Ally of *Rome*, was besieged, and vigorously pressed by this Prince,
20 at the Head of a formidable Army; and that the Application, the Courage, and the Conduct of *Lucullus* freed it from that imminent Danger.

25 LET me add, that a strong and a gallant Fleet, fitted out to invade *Italy*, under the Conduct of the *Sertorian* Generals, who burned with the Thoughts of Revenge, was by *Lucullus* conquered and sunk; that in
number-

numberless Engagements besides great Bodies of the Enemy's Forces were routed, that *Pontus* was exposed to the Invasion of our Arms, which always before found every Avenue to it obstructed; that *Sinope* and *Amisus*, two Seats of the Royal Residence, adorned and provided with all the Means of Defence, with the other Cities of *Pontus*, and many of *Cappadocia*, were taken in one March, and in one Approach; that their Monarch, stript of his hereditary, his paternal Dominions, wandered about, a Royal Suppliant, from Prince to Prince, from People to People, and that these brave Actions were all performed without Loss to our Allies, and without Diminution of our Revenues. This Character I think completes the Measure of his Praise; and, *Romans*, I have taken this Occasion to do Justice to his Character, a Justice that has never been paid it from this Place, by any of the Opposers of this Measure, and this Law.

It may be now asked, if our Enemies sustained all these Losses, how can this War be of so great Difficulty? The Objection is not without its Weight; but know, *Romans*, that *Mithridates* fled from his Kingdom in the same Manner as the celebrated *Medea* is said

said to have escaped out of that very Country. We are told that she scattered the Limbs of her Brother along the Places, thro' which her Father who pursued her was to pass, that
 5 the Parent's Care of collecting and weeping over them, might retard the Swiftneſs of the Pursuit. Thus *Mithridates*, to favour his Flight, left in *Pontus* the obstructing Power of all his Gold and Silver, and every
 10 costly, every curious Moveable that he had received either by Inheritance from his Ancestors, or by Plunder in the last *Asiatic War*, and since treasured up in his own Dominions. While our Soldiers were intent on these, the
 15 Person of the King escaped. Thus *Medea* owed her Escape to the Grief of her Father, and *Mithridates* his, to the Joy of our Army.

UNDER this Panic he fled to *Tigranes*,
 20 the *Armenian King*, who sheltered him in Distress, free'd him from Distrust, cheared him in Anguish, and raised him from Ruin. *Lucullus* afterward marched into this Prince's Territories, while many other Nations were
 25 spirited up to oppose his Arms. These People, whom the *Romans* never thought fit either to provoke or attack, were alarmed. A strong, and a current Report had likewise a great Impression on the Minds of these
Barbarians,

Barbarians, as if the Hopes of rifling a wealthy and an awful Temple had brought our Army into those Territories. Thus a Number of powerful Nations were roused with a certain jealous Indignation and Pa- 5
nic; but our Army, tho' it took the Capital of *Tigranes's* Kingdom, and often fought with great Success, yet were they dismay'd by the Distance of the Scenes of Action from their Countrymen, tow hom they pas- 10
sionately desired to return.

HERE let me stop ; for the Event of all was a more quick Retreat of our Army from these Places, than the Length of the March 15
seemed to admit of. But *Mitbridates* had by this time strengthened and augmented his Army by Numbers of his own Subjects, who flocked to his Standard, and by a powerful Reinforcement, the Troops of *foreign* Princes 20
and Nations. This we learn from Experience and History to be generally the Case, that Pity for the broken Fortunes of a King raises a powerful Support in his Favour, especially from those who are either Mo- 25
narchs, or are Subjects to Monarchs; because to them, the Name of a King sounds awful and sacred ; therefore after his Defeat he had greater Success, than in his Prosperity he

ever presumed to expect; for when he returned to his Kingdom, not contented, that, beyond all his Hopes, he again called those Dominions his own, from which he thought
 5 himself for ever driven, he attacked your brave, your victorious Army. And here, my Fellow-Citizens, suffer me, in Imitation of our Historical Poets, to draw a Veil over the Scene of Calamity; a Calamity so dreadful,
 10 that *Lucullus* knew it, not by a Messenger escaped from the Battle, but by Expressions dropt in Discourse.

HERE *Lucius Lucullus*, in the very Crisis
 15 of War, amidst the very Anguish of the Disease, tho' perhaps he was the only Man who could do somewhat towards curing our bleeding Wounds; in Obedience to your Commands, as ye thought fit, in Imitation
 20 of your Ancestors, to limit the Duration of his Command, dismissed that Part of his Army that had completed the Period of its Service; the other Part he delivered over to *Glabrio*. Many Things I purposely omit;
 25 but 'tis easy for you to suppose the Importance of a War supported by the Confederacy of two powerful Monarchs, renewed by the Spirit of resentful Nations, and maintained by the Power of unsubdued, unattempted
 Countries;

Countries ; your Arms headed by a General, new to this Scene of Action ; the Enemy encouraged by having to encounter only with Troops unpractised in the Field.

5

I think I have said enough to prove that this War is in its Nature absolutely necessary, and through its Greatness highly dangerous. Give me now Leave to touch upon the Choice of a General equal to its Importance. 10 I wish, my Friends, that you had amongst you such Plenty of brave honest Men, as to have your Choice doubtful, as to the Person of him to whose Hands you are to commit Interests of so much Consequence, and a 51 War of so great Difficulty. But as there is now only *one* Man alive, I mean *Pompey*, whose Virtues surpass all those, not only of the present Age, but of Antiquity itself ; where is the *Roman* who can hesitate one 20 Moment how to determine ?

IN my Opinion, four Qualifications are necessary to form a complete General, a thorough Knowledge of War, Courage, Au- 25 thority, and good Fortune. Did ever any Man possess, or is it required to possess, a more extensive Knowledge in the Art of War than *Pompey* ? Who when a Boy stepped from the

School, amidst a raging War maintained by a furious Enemy, into his Father's Army, where he was initiated in the Discipline of the Camp; who, before he grew up to a
5 Man, commenced a Soldier under a great General; who in the Dawn of Youth found himself at the Head of a glorious Army; who has fought more pitched Battles, than other People have maintained personal Al-
10 tercations; who has carried on more Wars than others have read; who has reduced more Provinces than others have aspired to; whose Youth was trained to the Trade of War, not by Reading and Precept, but
15 by his own Experience, and his own Commands, formed not by the Blunders of War, but by the Glory of Conquest; and whose Merits are rated, not by the Years he served, but by the Triumphs he obtained: Where
20 was the War of such a Nature as that he was not employ'd to sustain the Fortunes of his Country? The *Civil*, the *African*, the *Transalpine*, the *Naval*, the *Servile* War, together with the *Spanish* War, that heterogeneous Pro-
25 duction of our own Citizens and warlike Foreigners. The various and different Kinds both of Fights and Foes, carried on and conquered by him alone, are Proofs that there is no Point
of

of Military Practice in which this Hero is not an accomplished Master.

BUT where can I find Words equal to the Courage of *Pompey*? What can I, what 5
can any Man, deliver here worthy of him, new to you, or unknown to the meanest in *Rome*? For these, as they are commonly imagined to be, are not the only Virtues of a General, Application to Business, Courage 10
in Danger, Resolution in Action, Quickness in Execution, and Caution in consulting; all which unite in his Person to a greater Degree, than they ever did in all the Generals we ever saw or ever heard of. 15

ITALY is a Witness, which the victorious *Sylla* himself owned to be delivered by his Arms; *Sicily* is a Witness, which he extricated from the Dangers that every way and 20
on all hands environed her, not by his formidable Arms, but by his seasonable Counsels; *Africa* is a Witness, which was bathed in the Blood of those Enemies, whose immense Number covered her Fields; *Gaul* is 25
a Witness, by the Slaughter of whose Armies our Troops cut their Passage into *Spain*; *Spain* is a Witness, which has often viewed Thousands of our Enemies by this Hero deprived
O 4

prived of Life and Liberty : I can appeal to the present and to the former Experience of *Italy*, which, when oppressed by a detestable but dangerous War from our Slaves, in his
 5 Absence, implored his Assistance. The War by the very Rumour of his Approach droopt and languished, and upon his Arrival died and was buried,

10 AT this instant all Lands, all *foreign* Nations, every distant People, all the Extent of the Ocean, all Bays, all Harbours, wherever situated, are so many Witnesses of his Merits. For where is the Sea Coast, that of
 15 late was so well guarded as to be safe from Insults? Was any so retired as to be unexplored by our Enemies? Where was the Sailor, who, when he ply'd the Sea, did not venture the Loss either of his Life or his
 20 Liberty? Since he was obliged to expose himself to the Inclemency of Winter, or to Seas covered with Pirates. To finish a War so important, so shameful, so lasting, so distant, and so discontiguous, seemed to promise Em-
 25 ployment for a thousand Generals during one Year, or for a thousand Years to one General. What Province did we possess at that time uninfested by Pirates? What Branch of your Revenue was safe? Where was the Friend whom your Arms guarded? And where the
 Ally

Ally whom your Fleets protected? How many Islands did you give over as deserted? How many Allies as either abandoned by Fear, or the Prey of Pyrates? But why do I longer insist on this Review of distant Facts? 5

THIS, this was the old, the true Character of *Romans*; to direct the Thunder of their Arms on a distant Foe, and to guard the Interests of their Allies, not their own 10 Properties, by the floating Bulwarks of their Empire. Shall I affirm, that in those Years the Sea was shut up to your Allies, since your Armies durst not so much as pass over to *Brudusium*, but during the Severity of 15 the Winter? Shall I mention the numerous Prisoners made of *foreign* Nations on their Journey to *Rome*, since a Ransom was paid even for *Roman* Embassadors? Shall I say that the Seas were unsafe for our Merchants, 20 when twelve Badges of *Roman* Authority fell into the Hands of Pyrates?

SHALL I mention the taking of *Cnidus*, or *Samos*, or *Colophon*, those glorious Cities, 25 with numberless others, when you know that your Harbours, those very Harbours from whence your Country derives her Life and Soul, fell into the Hands of Pirates? Need I to inform you that the celebrated Harbour

Harbour of *Cajeta*, while full of Ships, was, while a *Roman* Prætor looked on, plundered by Pirates? That the Children of the very Man who had fought with Pirates in the
 5 same Place, were by them carried off from *Misenus*? Why should I mention our Disgrace at *Ostia*, so shameful, so ignominious to *Romans*; since almost under the Reach of your own Eyes a Fleet, commanded by a
 10 *Roman* Consul, was by Pirates destroy'd and taken? Immortal Gods! could the amazing, the divine Courage of one Man, in so short a time, throw a Lustre on his Country, that dispelled those Clouds of Danger, which be-
 15 fore presented to your View the Fleet of the Enemy in the Mouth of the *Tyber*; and that so effectually, that a Pirate is not now to be heard of within the Limits of the *Mediterranean*?

20 NOR must I here overlook how quickly all this was executed, tho' you yourselves beheld it. For who ever performed an Affair in common Life, who, even when prompted
 25 by Interest, could make quicker Dispatch in visiting so many Places, or finished so many Voyages in so short a time as *Pompey*, and his Fleet bore about the Terrors of War? Before the Season came on, he touched at
Sicily,

Sicily, he sailed to *Africa*, from whence he passed over with his Fleet to *Sardinia*, and fortified these three principal Granaries of *Rome*, with strong Squadrons and sufficient Garrisons. 5

THENCE passing over into *Italy*, having fortified *the two Spains*, and *Cisalpine Gaul* with Garrisons and Fleets, sending likewise some Forces into the *Illyrian Sea*, and 10 *Achaia*, he secured all *Greece* by his Squadrons, and the two Seas of *Italy* with powerful Fleets, and strong Re-inforcements. He himself, after he left *Brudusum*, added in forty nine Days all *Cilicia* to the Roman 15 Empire; all the Pirates in every Corner were either taken, destroy'd, or surrendered themselves to his single Command and Authority. The same General, when the *Cretans* had sent Ambassadors and Mediators 20 as far as *Pamphylia*, where he then was, were by him encouraged in their Application to have Permission to surrender; and accordingly he ordered them to give Hostages.

25

THUS a War so great, so lasting, so distant, so diffused, a War that threatened so many Nations and People, was by *Pompey* in the Middle of Winter provided for, in the Beginning

ginning of Spring entered upon, and in the Middle of Summer finished.

SUCH are the Effects of divine incredible
 5 Courage in a General. Then how shall I do Justice to those amazing, those numberless Qualities which I have already mentioned? The Virtues of the Soldier are not the only Qualifications of a great and con-
 10 summate General; for they are embellished and attended with many other fine Accomplishments. In the first Place, what unspotted Innocence ought Generals to share? How universal ought their Temperance to
 15 be? How unshaken their Honour, how easy their Deportment, how extensive their Genius, and how humane their Natures? Let us in a few Words consider what a large Share of all these fall to *Pompey*; and that too,
 20 *Romans*, in the highest Degree; yet can they never be so well known and understood, should we weigh them by themselves, as when we put them in the Ballance with others.

25

FOR what Value, what Character is due to the Man who is at the Head of an Army, wherein Commissions are bought and sold? Can we think the Views of that Man

can

can be great and honourable for the Interests of his Country, who shall divide to Magistrates the Money furnished out of the public Finances for carrying on a War, in order to gain the Province he has in his Eye, or 5 lay it out here in *Rome* at Interest. Your murmuring, *Romans*, discover that you know the Persons whom I point at. For my part, as I mention no Names, no Man can take Offence, without owning himself at the same 10 time guilty. But where is the Man who is ignorant of the Train of Misery and Ruin, which the Avarice of Generals has at all Times, and in all Places, brought upon your Armies. 15

THE Marches, which some of our Generals within these few Years have made through Lands and Cities, even in *Italy*, are fresh in your Memories; therefore 20 may you more easily form a Judgment of what has passed in remote Countries; and whether more Cities of your Friends have not been demolished by the Winter Quarters of your Armies, than Towns of your Enemies 25 have been taken during their Summer Campaign. The General, who is not Master of himself, never can be Master of his Soldiers; nor can the Man who declines a fair

fair Trial of his own Conduct, ever be the impartial Judge of another's Actions. Is it then surprizing that *Pompey* should possess Qualifications superior to those of all Generals alive, since the March of his numerous Armies thro' *Asia* was such, as that not only their Hands, but their very Feet, never did the least Injury to the peaceful Inhabitant? Even now, every Day's Letters and Talk
 10 inform us in what manner his Troops live in their Winter Quarters. It is not enough to him that no Man pays for the Expences of cloathing and maintaining his Soldiers, but he will not suffer even those who desire it, to
 15 be at any Charges on that Account. For our Ancestors always meant that the Dwellings of the Friends and Allies, should shelter from the Inclemencies of the Winter, and not gratify the Cravings of *Avarice*.

20

LET us now consider how great is his Temperance in other Respects. Whence do you imagine did he borrow the amazing Rapidity of his Voyages? Not from the extraordinary Strength of his Rowers, the matchless Skill of his Pilots, nor the indulgent Breath of New Winds, that so swiftly wafted him to the Ends of the Earth. His Dispatch was owing to his not being amused
 25 by

by those Circumstances that retard others. The Lust of *Lucre* never diverted him into the Pursuit of Plunder; no Appetite could seduce him into Pleasure; no Charms provoke him into Delight; the Beauty of no 5 City excite his Curiosity; nor in short, could Toil itself sooth him into Slumber; and to crown all, he even denied to his Eyes the Pleasure of gazing on those Paintings, Statues, and other Ornaments of the *Greek Cities*, 10 which other Generals thought Perquisites of their Commissions.

THUS the Inhabitants of these Parts look on *Pompey*, not as one sent from *Rome*, 15 but commissioned from *Heaven*; now they begin to think it not altogether so incredible that *Romans* were once thus temperate; a Tradition that hitherto seemed to Foreigners Romance and Imposture. The Lustre of 20 our Empire is now diffused over these Countries; now are they convinced that it was with good Reason their Fathers, while our Governors were thus temperate, chose rather to be the Subjects of *Romans*, than 25 the Sovereigns of others. For at this very instant so easy is he of Access to the meanest, so freely may the lowest Inferior speak their Complaints, that the Man, who in Dignity
is

is greater than the greatest of Princes, in Gentleness appears on a Level with the lowest of the People.

- 5 How great is he in Counsel, what Dignity, what Ease? What a commanding Character there is in his Expression, you yourselves, *Romans*, have often experienced in this very Place. Shall we imagine we can do Justice
 10 to his Truth, a Virtue which every Enemy of every Kind has owned in him to be untainted? So extensive is his Benevolence, that 'tis hard to say, whether his Enemies more dread his Courage when he fights, or
 15 are charmed with his Sweetness when he conquers: And shall it admit of a Doubt, whether the Management of this War ought to be committed to a Man who seems by Divine Appointment to be sent into the World,
 20 that he may put an End to every War that harraßes this Age?

AND as Authority is of a decisive Influence in the Management of War, and
 25 the Execution of Military Command, can we a moment doubt that this too is a distinguishing Character of our General? Who is intensible, that great are the Effects that arise from the Opinion, which both Friends and
 Foes

Foes entertain of your Generals, when we know that in Matters of such Importance, as Mankind behold the principal Agents, either in a contemptible, or awful, an odious, or an amiable Light, they are actuated as much by Notions formed from Report, as by Principles founded on Reason? Where then is, where ever was there a Man upon Earth superior to him in Fame? Where is his Rival in Glory? And, to give his Authority the most authentic Stamp it can receive, where is the Man upon whom you have bestowed so repeated, so distinguishing Honours? 5 10

Do you imagine there is a Coast so remote, so desert, as not to be reached by the Fame of that glorious Day, when all assembled *Rome*, the *Forum* filled, and every Temple crowded, from whence this Place could be viewed, demanded *Pompey* to command in a War, wherein all Nations, and all the Laws of Nations were interested? Therefore, that I may say no more, nor be obliged to strengthen what I advanced by other Instances, to prove how decisive his Authority is in War, let me bring Instances from all the glorious Things performed by our *Pompey*; the Day he was created General for the 15 20 25

Maritime War, his single Name and Character by you, changed the greatest Dearth and Scarcity of Provision into a Plenty, scarce to be equalled after a favourable Season during
5 a long Peace.

AFTER our fatal Blow in *Pontus*, in the Battle, which with Reluctance I have named, while our Friends trembled, while our Enemies increased in Spirit and Strength, while
10 that Province was destitute of sufficient Protection; *Romans*, we must have lost *Asia*, had not the Fortune of *Rome*, by a providential Interposition, directed *Pompey* into
15 that Country. His Arrival both awed *Mithridates*, who was inflamed with the Insolence of Conquest, and stopped the March of *Tigranes*, who threatned *Asia* with a formidable Power.

20

IT is not then easy to conceive what he will be able to effect by his Courage, when he could effect so much by his Authority; and that it will be easy for him, when in
25 Commission, and at the Head of an Army, to preserve your Friends and your Finances, when his very Name and Character have already protected them.

BUT

BUT let us consider one Circumstance which discovers his great Reputation with the Enemies of *Rome*; who from distant, from discontiguous Places, and in a short Time surrendered themselves to *Pompey* 5 alone. Nay, the *Cretan* Ambassadors, while a *Roman* General and Army was on their Island, found *Pompey* out in the most remote Parts of the Earth, and offered to deliver into his Hands all the Cities of *Crete*. 10 How! Did not this very *Mithridates* send an Embassador into *Spain* to *Pompey*, who treated him with all the Respect due to that Character? Tho' they who took it amiss that the Credentials should be addressed chiefly 15 to him, chose to treat him rather as a Spy than an Envoy. From all this, *Romans*, you may form a Judgment, what decisive Advantages such Authority, swelled by a Train of glorious Successes, and strengthened 20 by your repeated Applauses, will have with those *foreign* Princes and States.

GIVE me now Leave with all the Caution, with all the Conciseness that befits a Man 25 who is to mention the wise Dispositions of Providence, to touch upon his Success, a Circumstance, which tho' no Man can attach to his own Person, yet every Man may

record and celebrate in another. And indeed,
 I am one of those who think that Power
 and the Command of Armies were bestowed
 upon *Maximus, Marcellus, Scipio, Marius,*
 5 and other great Generals, often, not only
 from the Experience of their Qualifications,
 but an Opinion of their Fortune. For, be-
 lieve me, it has been known that to the
 Dignity, the Glory, and the enterprizing
 10 Spirit of great Men, Providence has some-
 times linked the Indulgence of Fortune.
 But in expressing the Successes of our Hero,
 I shall be so moderate as to speak, not as if
 he could command Fortune, but in such a
 15 manner as that it may appear, we have not
 forgot his past, nor despair of his future
 Success: Thus shall my Speech awaken in
 the Gods neither Jealousy of our Glory, nor
 Indignation at our Ingratitude.

20 THEREFORE, *Romans*, I am not here to
 expatiate on the Civil, on the Military Glory,
 which he has atchieved, nor the Success that
 still attended him on every Element that re-
 25 quired his Arms; a Success so great, that
 not only his Countrymen courted, his Allies
 performed, and his Enemies obey'd his Com-
 mands; but even the Winds and Waves
 seemed obsequious to his Nod. Let it suffice,
 however,

however, to say this much in very few Words: That no Man had ever yet the Impudence, even to conceive a silent Wish, that the immortal Gods would crown him with such repeated Proofs of their Favour, 5 as they have bestowed on *Pompey*. That these, O *Romans*! may ever distinguish, may ever bless him, you ought to pray and wish, as I am sure you do, as well on account of the Prosperity of *Rome*, and her 10 Glory, our common Cause, as from your Respect due to the Person of the Man.

As therefore this War is so necessary that it cannot be avoided, so important as to require the greatest Abilities to manage it, and 15 as you may now commit it into the Hands of a General, who unites in his Person the most consummate Knowledge of Military Affairs, unparalleled Courage, unquestionable Authority, and unprecedented Success; are 20 ye, *Romans*, under the least Doubt that ye should employ this Blessing, presented and bestowed by the immortal Gods, for the Salvation and Enlargement of this Empire?

WERE *Pompey* at this instant a private 25 *Roman*, he is the only Man you could single out to send upon this important Expedition; and now that, with other decisive Advantages,

this Conveniency concurs, that he is at the Head of an Army upon the very Scene of Action, that he can immediately put himself at the Head of another, which others now
 5 command; why do we hesitate? Or why do we not, by the Help of Heaven, devolve this ROYAL War upon the Man whom we have already intrusted with our most important Concerns, and with the very Being
 10 of our State.

BUT *Quintus Catulus*, a Man of the greatest Honour, the truest public Spirit, and distinguished by you in the most glorious
 15 Manner; *Quintus Hortensius*, who enjoys every Accomplishment of Quality, Fortune, Virtue, and Genius, differ from my Sentiments. These are Men whose Opinions have had, and I own justly too in many
 20 respects, a prevailing Influence upon your Deliberations: But on this Occasion, tho' ye are sensible I struggle against the Dictates of the bravest and most eminent Men in *Rome*; yet setting all Dictates aside, it is possible to
 25 come at Truth from the very Nature and Reason of the Thing itself; and the more easily as they agree to every Thing I advance; nay, they own that all is true, that this War is necessary and important, and that *Pompey*

pey alone has all the great Qualifications necessary to manage it.

BUT what is the Argument of *Hortensius*? If every Thing is to be invested in 5 one Man, *Pompey* ought to be the Man. But he denies the first Position, with Arguments now grown stale, and more proper to be answered by Facts, than by Reasoning; for you *Quintus Hortensius*, with all that Command 10 of Expression, with all that Mastery of Eloquence you possess, spoke with Authority and Dignity a great deal in the Senate against *Aulus Gabinius*, a brave *Roman*, when he brought in a Law to put the War against the 15 Pirates into the Hand of one General, and from this very Place you declaimed with great Violence against that Law.

BUT, Eternal Gods! if your Dictates had 20 a more prevailing Influence with the *Romans* than the Preservation and the true Interests of their Country, should we at this Day have been in Possession of immortal Glory and universal Empire. What did you 25 imagine was become of this Empire, when the Embassadors, the Prætors, and the Quæstors of the *Roman* People were taken Prisoners; when we were cut off from all Com-

munication either public or private, with all
 our Provinces for supplying Provisions to the
 City? When the Seas were blocked up in
 such a manner as to render it impracticable
 5 to guard either the Property of Individuals,
 or the Interests of the whole? Where was
 there ever a State, I don't speak of the *Athe-
 nians*, who were once powerful at Sea; nor
 the *Carthaginians*, whose Fleets were for-
 10 merly well disciplined and formidable; nor
 the *Rhodians*, whose Skill and Glory in Na-
 val Affairs have reached even our Days? But
 where, I say, was there ever a State so pitiful,
 an Island so narrow, that of herself was not
 15 able to protect her own Ports and Possessions,
 with at least some Part of her Coasts and
 Shores? Yet, by Heaven, the very People of
Rome, a People, who to our Days transmitted
 their Maritime Glory unfoiled in every Action
 20 by Sea, was wounded before the *Gabinian*
 Law, not only in her Interests, but her
 Dignity and Glory. We, whose Ancestors
 conquered at Sea the Kings *Antiochus* and
Perjes, and in every Engagement on that
 25 Element, worsted the *Carthaginians*, then
 the ablest and most expert Sailors in the
 World; yet we, I say, were not a Match for
 Pirates. We too, who not only guarded
Italy from Insults, but by the very Authority
 of

of our Name protected our Allies in the most remote Corners of the World, so that the Island of *Delos*, distant from *Rome* so far as the *Ægean* Sea, the *Staple* Port for all Merchandizes and Commodities, full of 5 Riches, small in Circumference, unprotected by Forts, had nothing to fear; yet are we the same who were insulted and injured, not only in our Provinces on the Coasts of *Italy*, and within our own Harbours, but even on 10 the *Appian* Way; yet even at that time a *Roman* Magistrate could without a Blush mount this Tribunal, left by your Fathers as a Monument of their Glory by Sea, and by them ornamented with Naval Spoils, and 15 Maritime Trophies.

Quintus Hortensius, the *Romans* were sensible that when you, and such of your Friends as were of your Opinion, delivered your Senti- 20 ments, you delivered them with an honest Intention; but the same *Romans* at the same Time chose rather to revenge their own Injuries, than to obey your Dictates. Therefore, one Law, one Man, one Year, de- 25 livered us not only from that Misery and Infamy, but effectually proved to all Nations, to all People upon Earth, that we were the real

real Lords of the World, and Masters of the Main.

ON this Account, to me it appeared to be
 5 a scandalous Indignity, offered, what shall I
 say, to *Gabinus*, or to *Pompey*, or in truth,
 to both, by putting a Negative upon *Pompey*,
 who demanded and required *Aulus Gabinus*
 as his Lieutenant General; as if the General
 10 who demanded an agreeable Officer to act
 under him in so important a War, ought to
 have been refused, when 'tis known that
 those Generals, who marched out to rob our
 Allies, and plunder Provinces, carried along
 15 with them what Lieutenant-Generals they
 pleased; and, as if the Man who preferred a
 Law that provided for the Preservation and
 Dignity of *Rome*, and the World, ought not
 to share in the Glory of a General, and in an
 20 Army approved through his Counsels, and
 levied through his Labours.

COULD *Cn. Falcidius*, *Q. Metellus*, *Q. Cæ-*
lius Latinienſis, all whom I name with great
 25 Regard, in this Year be Tribunes of the
 People, and the next appointed *Lieutenant*
Generals; and shall *Romans* distinguish them-
 selves by an Opposition to *Gabinus*, who in
 a War, carried on in Consequence of his
 own

own Law, under a General, and with an Army which through you he raised, has a Right to be preferred? I hope the Consuls will propose to the Senate to put him into this Commission; but, if they shall have any 5 Doubts or Difficulties on this Head, I here declare that I myself will propose him; nor, *Romans*, shall the menacing Dictates of any Man prevent me, under your Protection, from defending your Rights and Privileges; 10 nor shall I listen to any thing but an Interposition upon this Occasion. I hope that those *Romans* who threaten, will with the greatest Deliberation weigh the Probability of their own Success. As to this Point, my 15 Judgment, *Romans*, is, that *Aulus Gabinus*, the Proposer of the Maritime War, and all that was then done, is the only Man proper to act as an Assistant to *Pompey*. Because the first by your Commands devolved that 20 War upon the other, and he on whom it was devolved finished it with Glory and Success.

IT now remains that I should take some 25 Notice of the Opinion and Judgment of *Quintus Catulus*, who put the Question, that if all your Hopes were centered in *Pompey*, to whom could you in any mournful Event that might

might happen to his Person, have Recourse. Great and Glorious was the Return that his Virtue and Dignity then received, when almost unanimously you called out, that in
 5 SUCH AN EVENT HE HIMSELF SHOULD BE THE MAN ON WHOM YOU WOULD CAST YOUR EYES, IN WHOM YOU WOULD REST YOUR HOPES. And indeed, he is a Man of such a Character, that no Charge is
 10 so great, no Undertaking so difficult, but that his Wisdom can direct, his Integrity guard, and his Courage surmount it. But in this Point, I am of an Opinion diametrically opposite to his; for, I think, the more frail,
 15 the more uncertain that human Life is, our Country, while the Gods permit, ought to avail herself of the Life and Virtues of the best and greatest of her Sons.

20 BUT why make Innovations, why take Steps for which there are no Precedents in the Practice and Proceedings of former Ages? I shall not mention here, that our Fathers in Peace always followed Precedents, and in
 25 War aimed at Success; that their Counsels and Conduct varied according to the unexpected Exigencies of their Situation: I shall not mention that two very great Wars, the *Carthaginian* and the *Spanish*, were
 finished

finished by one General, that *Carthage* and
Numantia, two very powerful Cities, the
most dangerous Rivals of *Rome*, were by the
same General destroy'd : I shall not mention
that but lately you and your Fathers 5
thought it expedient to rest your whole
Hopes of Empire upon the Person of *Caius*
Marius; that to his Hands were committed
the Wars with *Jugurtha*, with the *Cimbri*,
and with the *Teutoni*. You yourselves re- 10
member how many unprecedented Steps were
taken, even with the hearty Concurrence of
Catulus, in the Case of this very *Pompey*,
whom *Catulus* now opposes the granting any
new Powers as an unconstitutional Measure. 15

WHERE was there any thing so unpre-
cedented as that a Stripling, without any
public Character in the World, should at a
Juncture dangerous to his Country, levy an 20
Army? Yet this he effected. But did he
command it? He did. Did he act with
Conduct and Success? With both. Where
was there ever any thing more unprecedented
than that a young Man, whose Years were 25
far from giving him a Qualification to sit in
the Senate, should be put in Commission,
and at the Head of an Army? That the
Government of *Sicily* and of *Afric* should
be

be granted him, and that he should be entrusted with the Management of that War? As the Governor of these Provinces, unparalleled was his Integrity, his Wisdom, and
 5 his Courage. As General in *Africa*, his Success was complete. He finished the War, and brought off his Army with Glory and Triumph. Who before ever heard that a
 10 *Roman Knight* should triumph? Yet this Sight the People of *Rome* beheld; nay, beheld with Joy, and with Rapture. Who ever knew that when we had two illustrious
 brave Consuls, a *Roman Knight* should supply the Place of one of them, and be sent
 15 to command in a great and a formidable War? Yet he was sent; and at that time there was not a Man in the Senate so hardy as to suggest, that a private Person ought not to be sent instead of a Consul. *Lucius Phil-*
 20 *lippus* is reported to have said, that were his Opinion followed, *he should be sent not in Place of one, but of both the Consuls.* So great, so promising was his Capacity for Government, that tho' a Youth, his Abilities were
 25 thought equal to the Functions of two Consuls. Could any thing be more extraordinary, than that the Senate by their Decree should so far dispense with the Laws, as that he became Consul at an Age which disqualify'd

lisy'd him from acting in any other Character of a Magistrate? Was it not incredible, that by a Decree of the Senate, while a *Roman* Knight, he should triumph a second Time? Thus all the Novelties which we have 5 known to happen in any Age fall short of those that meet in the Person of *Pompey* alone: Nay, he derived all these Honours, repeated and unusual as they are, from *Quintus Catulus*, and the Authority of the other great 10 and eminent Men of the same Order.

LET them beware therefore, lest, as they set the Precedents which you approved of, as to the Power of *Pompey*, it may seem unjust 15 and flagrant, should they now oppose the Choice of you, and all *Rome* besides, who have fixt upon the same Person: Especially as the *Romans* have now an irrevocable Right to support, against all Opposition, their 20 Election of this Man; because even against their Will you chose him from amongst all other *Romans*, to command in the War with the Pirates.

25

IF you did this rashly, and without consulting the Interests of your Country, they are in the right to endeavour to over-rule your Choice by their Interposition. But if
your

your Sense of the Interests of *Rome* was truer than theirs; if tho' opposed by them, by yourselves, you at once gave Dignity to *Rome*, and Salvation to the World, then must
 5 these Dictators acknowledge, that both they and others ought to submit to the Voice of the collective Body of the *Roman* People. But this *Asiatic* and regal War demands not only that Military Virtue so conspicuous in
 10 *Pompey*, but other intellectual Accomplishments which must be many and great.

DIFFICULT is the Task for a *Roman* General to behave in *Asia*, *Silicia*, *Syria*,
 15 and other more remote Countries, in such a manner as that he shall dream of nothing but Glory and Conquest; for tho' some are under the Restraints of Shame and Modesty, yet so great is the Number of the
 20 Greedy, and the Oppressors, that they are considered in another Character. It is hard, O *Romans*! to express how detestable we are now become among *foreign* Nations, on account of the Vices and Lusts of those,
 25 whom of late Years we have sent out as their Governors. Wherein these Lands the Temple so holy as to be unprofaned? Where the City so awful as to be inviolated? Where the House so fortified as to be uninvaded by our
 Magistrates?

Magistrates? And even now are they attacking rich and noble Cities, in order by their Injustice to kindle a War, and by means of the War to gratify their Avarice by Plunder. 5

WILLINGLY would I debate this before these two great and eminent Men, Q. *Catulus*, and Q. *Hortensius*, who know the Wounds, see the Distresses, and hear the Complaints of our Allies. Did you intend to send an Army for the Relief your Allies of against your Enemies, under this Pretence to attack the Friends and Confederates of Rome? Where is the State in all *Asia*, that can bound the Ambition and Avarice, I will not say of a General, or his Substitute, but of a single Tribune of the Army! 15

THEREFORE, tho' ye had a General, who in a pitched Battle may appear able to rout the Forces of the Monarchs; yet, if he refrains not his Hands, his Eyes and Thoughts from the Riches of our Allies, from their Wives and Children, from the Decorations of their Temples, from the Ornaments of their Cities, and from the golden Temptations of their Royal Palaces; never can he be 20

Q be

be a fit Man, for managing an Asiatic and a Regal War.

Was it ever known in their Cities, that
 5 Tranquility dwelt with Riches; or was ever
 any City rich to which they seemed to give
 Tranquility? The Sea-Coast, O *Romans*!
 implored *Pompey*, not more on account of
 his Military Glory, than for the Purity of
 10 his Heart. The *Romans* observed, from Year
 to Year, that the public Money enriched
 only a few; nor did we gain, by all the Pa-
 rade of our Naval Armaments, ought, but
 an Addition of Infamy from repeated In-
 15 juries. Is there a Man who opposes this
 Measure, now ignorant with what a Lust of
 Lucre, thro' what a Profusion of Corruption,
 and on what venal Terms our Magistrates
 now repair to their Provinces? Thus may
 20 we behold *Pompey* great, not only in the
 Light of his own personal Virtues, but the
 Vices of others.

No longer therefore hesitate in com-
 25 mitting this general Command to the Man,
 the only Man, whom for many Years your
 Friends have with Joy admitted into their
 Cities, at the Head of an Army. *Romans*
 do you require an Authority to confirm your
 Pur-

Purpose. Let me appeal to *Publius Servitius*, a Man of universal Experience in War, and glorious Expeditions: In short, the Man who has acquired so much Glory, both by Sea and Land, that when Military Mat- 5
ters are under your Deliberation, the Opinion of no *Roman* ought to be more decisive than his. *Caius Curio* is another Authority, a Man distinguished by your highest Favours, by the glorious Actions he has performed, and the great Capacity and Wisdom 10
he possesses. Let me appeal to *Cneius Lentulus*, whom you all know to share in your highest Honours, the Rewards of his consummate Prudence and Dignity; I appeal to 15
Caius Cassius, a Person of unparalleled Integrity, Virtue, and Resolution. Thus you see in what manner we can answer by their Authorities the Speeches of the opposite Party. 20

HAVING said thus much; In the first Place, *Caius Manilius* with Zeal, with Favour, I approve of your Law, your Endeavours and Opinion: In the next Place, I 25
conjure you, as you value the Happiness of *Rome*, that you suffer no Attack, no Threatnings to daunt or drive you from your Purpose. As you seem to have Spirit and Re-
Q 2 solution,

solution, and are here backed with so great a
 Multitude of *Romans*, once more zealous for
 committing general War into the Hands of
 one and the same Man; What is there either
 5 in the Measure itself, or in your Interest, to
 carry it through, that you ought to doubt of?
 For my Share, whatever I possess by Labour
 or Industry, by natural or acquired Talents,
 by the distinguishing Favours of the *Roman*
 10 People, and by this Prætorian Power; what-
 ever I can effect by my Authority, Truth
 and Resolution, I promise, I make it all over
 to you and the *Romans* for carrying this
 Point.

15 I attest all the Gods, and chiefly those who
 preside over this Place, and this Temple,
 those Powers who can read the Intentions
 of the Patriot Breast, that from no Sollici-
 20 tation, from no Favour I was to receive from
Pompey, from no Shelter, which I thought
 the Greatness of any Man might afford me
 in the Hour of Danger, nor from the Pro-
 spect of any additional Honour to myself,
 25 have I undertaken this Part; for I know
 that the Shield of Innocence, with which
 every good Man ought to be armed, can
 easily repel the Attacks of Danger; and that
 I can attain to Honour neither thro' one
 Man's

Man's Means, nor from this Place, but from a Perseverance in the laborious Purposes of my Life crowned by your Favour.

THEREFORE, *Romans*, do I affirm, that 5
the Part I have undertaken on this Occasion
was undertaken with a View to the Good of
my Country; and so far am I from any Ap-
pearance of pursuing a private Interest, that
I can easily perceive that I am now to en- 10
counter a deal of Malice, partly private,
partly public, that I might have avoided, and
by which you may profit. But cloathed
with this Dignity, and sensible as I was of
your Favours, I determined, O *Romans*! 15
to prefer your Sentiments, the Honour of
my Country, the Safety of our Provinces,
and the Preservation our Allies, to every
selfish View, and every partial Interest.



THE



THE
A R G U M E N T.

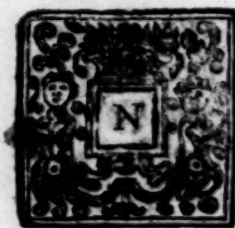
LIGARIUS was accused by Tubero, a Kinsman of Cicero's, who had a personal Grudge at him, before Cæsar, of having distinguished himself as Cæsar's Enemy in the late War. Cæsar was pretty well convinced of the Truth of this; and some Circumstances in the Conduct of Ligarius had determined him, notwithstanding all the Application of Friends, not to pardon him: In short, he boasted that his Resolution was so fixt as to be unalterable, even by all the Charms of our Author's Eloquence. But when Cicero, who had undertaken to plead for Ligarius, enter'd upon his Defence, he found his Resolution but weak against the pathetic Strain, with which the following Oration is work'd up. Nay, so strongly were the Passions of that perhaps the greatest Man that ever was on Earth, touch'd, that he dropt the Papers which he held in his Hand, and cry'd out in Extasy, TULLY, thou hast conquer'd, and pardon'd Ligarius.

This Oration was deliver'd in the Year of Rome 707, of Cicero's Age 61.



M. T.

C I C E R O's
O R A T I O N
F O R
Q U I N T U S L I G A R I U S.



EW and hitherto unheard-
of is the Charge which, O
Cæsar! my Kinsman Tu-
bero has brought before you ;
that *Quintus Ligarius* had
been in *Africa* : And *Caius Pansa*, a Man
of excellent Parts, depending perhaps upon
his Intimacy with you, ventur'd to own it.
Therefore how to behave I know not, for I
had come prepared, presuming that you nei-
ther knew any thing of this Affair yourself,
nor could be inform'd of it by any other
means, to impose so far upon your Igno-
rance

rance as to obtain Pardon to an unfortunate
 Man. But as this mighty Secret has been
 discover'd by the Vigilance of our Antago-
 nists, our best course, I think, is to confess it.
 Especially, as by means of my very good 5
 Friend *Caius Pansa*, the Thing has taken
 Air; and dropping all Debate upon the Mat-
 ter, our Pleading must turn upon your Cle-
 mency, which has fav'd so many, by their
 receiving not Pardon for their Crimes, but 10
 Indulgence for their Mistake. You have,
Tubero, the greatest Advantage which
 a Prosecutor can have, *the Accused pleads*
Guilty; but *pleading* that you, and your
 Father, a Man without reproach, acted the 15
 same Part, for which he is now arraign'd;
 you are therefore under a Necessity of con-
 fessing yourselves guilty, before you can im-
 peach the Conduct of *Ligarius*.

20
Quintus Ligarius then, before there was
 any Appearance of a War, was sent as
 Lieutenant General under *Caius Confidius*
 into *Africa*. In this Station, he acquitted
 himself so much to the Satisfaction both of 25
 our Countrymen and Allies, that it had been
 impossible for *Confidius*, after he had depar-
 ted, to have pleas'd the Inhabitants if he had
 left the Government of that Province in any
 other

other Hands. Therefore *Quintus Ligarius*, having long but unavailingly declin'd it, took upon him the Charge of the Province much contrary to his Inclination, and his Administration in Peace was such as to endear his Integrity and Honour, both to our Countrymen and Allies.

A War blaz'd out so suddenly, that they in *Africa* heard of its Operations sooner than its Preparations. Upon this News, partly from an ill-founded Hope, partly from a blind Fear, first upon the Principles of Interest, then of Affection, they look'd out for a General. All this Time, *Ligarius* having it in view to return Home, and wishing again to see his Friends, would not suffer himself to be involv'd in any Manner of *publick Business*. In the mean Time, *Publius Attius Varus*, who, as Prætor, had obtained the Government of *Africa*, came to *Utica*, and instantly Every-body had recourse to him. But he, with more than common Eagerness, seiz'd the Command, if that can be call'd *Command*, which by the Clamours of a heedless Multitude, without any public Decision, devolv'd upon a private Man. Therefore, *Ligarius*, who is averse to every Business

ness of that kind, gain'd a little Respite upon the Arrival of *Varus*.

As yet, *Caius Cæsar, Quintus Ligarius* is entirely blameless; he went from home upon no War, nay not so much as upon the smallest Presumption that a War was to happen; he went as Lieutenant in a Time of Peace, and in a very peaceable Province behaved in such a Manner, that he had Reason to wish for its Continuance. If you, therefore, ought not to resent his Departure, ought you to resent his Stay? Far less; For as at his Departure he had no dishonourable Views, so his Stay was occasion'd by a laudable Necessity. During these two Periods, therefore, he is blameless; when he departed as Lieutenant, and when at the earnest Solicitation of the Province, he was made Governor of *Africa*.

A third Period is to be accounted for; and that is the Time of his Stay in *Africa* after the Arrival of *Varus*. If this was criminal, it was so thro' Necessity and not Choice. Had it been by any means in his Power to have avoided it, wou'd he have chosen to be at *Utica* rather than *Rome*; with *Publius Attius*, rather than his affectionate Brothers; with Strangers

Strangers rather than Relations? As the Government it self had been full of Cares and Anxieties, proceeding from the incredible Affection he bore to his Brothers, could such
 5 a Brother be easy in his Mind when torn from them by the Tumults of War?

You can fix yet, O *Cæsar*! no Instance of Disaffection to you on *Ligarius*, in whose De-
 10 fence I now speak; a Circumstance which I humbly hope is worthy of your Attention, since the Zeal with which I plead his Cause betrays my own. Wonderful Clemency! worthy of all the Embellishment which
 15 Eloquence, Learning and Monuments can communicate. *Marcus Cicero* pleads before you, that another Person had not for you the same unfavourable Dispositions, which he confesses he himself entertain'd; nor does
 20 he dread your silent Reflections, nor does he fear with regard to himself any Prejudice arising from the Defence which you shall hear him make for another.

25 You see how undaunted I am; you see what Beams of your Generosity and Wisdom break upon me, while I plead at your Tribunal; and I could wish my Voice
would

would serve me to be heard on this Subject
by all the People of *Rome*.

AFTER the War, O *Cæsar*! was begun,
after its Operations were advanced, without 5
Compulsion, it being the Result of my own
Judgment and Choice, I enlisted myself
with that Party which took Arms against
you. Before whom do I own this? Why,
before the Man, who, tho' he knew it, ye- 10
without my appearing before him in Per-
son, restor'd me to the Bosom of my Coun-
try; who wrote to me from *Ægypt* that I
might continue, in the same Character I
had formerly borne; who, through all the 15
Extent of *Roman* Command, while he was
the *only* Commander, suffered me to be
another; from whom by a Message by
this very *Caius Pansa*, I retain'd the Lawrels
of Consular Dignity, as long as I thought 20
proper; in short, who thought that he gave
me Life, when he gave it with every Mark
of Distinction that adorn'd it, unviolated.

OBSERVE, *Tubero*, I beg, that I, who 25
boldly own what was done by myself, dare
not plead guilty to what was done by *Liga-*
rius; and I have own'd these Facts of my-
self, that *Tubero* may pardon me when I
mention

mention him in the same Manner. He is a Person, whose Application and Merit I am fond of, both on account of my near Relation to him, the Delight which I receive
 5 from his Genius and Study, and because I imagine that from the Reputation of a Young Kinsman, some Advantage results to myself.

10 BUT I beg to know one Thing: Who thinks it a Crime in *Ligarius*, that he was in *Africa*? Why, the very Man who himself wanted to go to *Africa*; who complained that he was hinder'd by *Ligarius*,
 15 and without dispute appeared with Arms in the Field against *Cæsar*? For what, O *Tu-bero*! was the Meaning of thy naked Sword in the Ranks of *Pharfalia*? At whose Breast was its Point directed? What did thy Ar-
 20 mour imply? Thy Spirit? Thy Eyes? Thy Hands? Thy forward Zeal? What didst thou wish? What didst thou want? I press the young Man too much; he seems to be shock'd. Let me return to my own Case: I
 25 myself served in the same Army.

BUT what, my Friend, did we do, but wish to be Masters of *Cæsar*, as he now is of us. Shall then, O *Cæsar*! they who are
 the

the Monuments of your unpunishing Clemency, by their Language, exasperate you into Cruelty? And in this Cause, *Tubero*, I think that you have failed in point of Prudence; and much more your Father, who 5
 tho' a Man of excellent Sense and Learning, could not perceive the Nature of this Prosecution; for if he had, he would have chosen that you should manage it in any other manner than this: Do you accuse one who 10
 pleads guilty? That is not the whole of the Case; you impeach a Man, who has a better, or, if you will, as good a Plea as yourself.

WHAT I mention is not only surprizing 15
 but astonishing; the Tendency of this Accusation is not that *Quintus Ligarius* should be found Guilty, but that he should be punished with Death. Before thee, never did any *Roman* Citizen act thus; such Manners 20
 are Foreign; the volatile *Greeks*, or the savage *Barbarians*, used to carry their Resentment into Blood. In what do you differ from them? Do you insist that *Ligarius* should not live at *Rome*? That he should be 25
 banished from his own House, from his excellent Brothers, from *Titus Brocchus* here, his Uncle, his Son, his Cousin, and me? That he should not be suffered to live in his
 Native

Native Country? But how can he be more destitute of all these Comforts than he now is? He is debarred from *Italy*; He lives in Banishment. It is not then his Country you
 5 want to deprive him of, for she is already lost to him; but of Life. But no Man ever carried on such a Prosecution; even before that Dictator, who killed every Man he hated: A Dictator, who pronounced the Sentence of
 10 Death, without the Formality of an Impeachment; who even invited Murders by Rewards! A Cruelty some Years after punished by the very Man whom you now wish to be cruel.

15 BUT, say you, I do not impeach him. Indeed, *Tubero*, I think you do not; for I know yourself, I know your Father, I know your Family, and Descent. In short, I am fully
 20 sensible of every Excellency of your Race and Blood; your Virtue, Humanity, and Learning in many, even the most laudable, Arts. Therefore am I certain that you do not thirst after Blood; but you are grossly
 25 inattentive; for this Action points strongly that way, since you appear not to be satisfied with the Punishment which *Quintus Ligarius* now undergoes. Can any then be more bitter, except Death? For if he lives
 in

in Exile as he actually does, what can you require more? That he may not be pardon-
ed! That indeed is still more bitter, still more
severe. Will you then use your Endeavours to
baffle all that we have been entreating by our 5
Tears, by our Prayers, by prostrating our-
selves at his Feet, not relying so much on
the Justice of our own Plea, as on his Be-
nevolence? Wilt *thou* break in upon our
Sorrows? Wilt thou prevent the Efficacy of 10
those Prayers which, prostrate at his Feet,
we pour out with the Voice of Supplication?

IF while we did this at his House, which
we have often, and I hope not ineffectually, 15
done, thou should'st of a sudden have broke in
and set up an Outcry, *Cæsar, beware, beware*
how you pardon; beware how you relent at the
imploring Voice of these Brothers, for a Bro-
ther's Life; would'st thou not then have 20
divested thyself of all Humanity? But how
much more barbarous is it that thou in the
Forum should'st oppose what we implore
within the House; and in so deep, so gene-
ral a Calamity, should'st attempt to shut up 25
the Sanctuary of Mercy?

LET me speak, *Caius Cæsar*, plainly as I
think: Were not thy *own*, I say thy *own*
R Clemency,

Clemency, I know what I speak, as extensive as thy Fortune, every Success that attends thee would but swell the Sorrows of the Afflicted. For how many of those, who
 5 were Partners in thy Conquest, may we suppose, with thee to be inexorable; since such we find even among the Conquered? How many of those who were against your pardoning any, would have obstructed
 10 your Mercy, when we find even those who have received your Pardon, unwilling that others should experience your Mercy.

BUT if we could prove to *Cæsar*, that
 15 *Ligarius* was not so much as in *Africa*; if even by a laudable good-natured Lie, we should endeavour to preserve an unfortunate Country-man; yet it would be inhuman when a *Roman* is in such Distress and Dan-
 20 ger, to refute or detect our Imposture. But if any Man was to be so officious, surely it ought not to have been a Man who once was in the same Circumstances, and for the same Cause. But 'tis one thing to wish *Cæsar*
 25 to be inflexible, and another to wish that he were unrelenting. Then you would call out, *Take care Cæsar how you believe! Ligarius was in Africa; he carried Arms against you. Now what do these Words mean, but CÆSAR take*
care

care you don't pardon. Is this a Language fit to be spoken by one Man to another? Whoever, O *Caius Cæsar*! shall address thee in this Language, will sooner throw aside his own Humanity than divest thee of thine. 5

BUT the Opening and Preliminary of *Tubero's* Pleading, if I mistake not, was *that he intended to speak to the Guilt of QUIN-* 10
TUS LIGARIUS. I don't doubt but you was at a loss to account, either why Nobody else had ever been charged with that Crime, or why a Man should commence *Impeacher*, who was embarked in the same 15
Cause, or what new Charge of Guilt was to be urged? Dost thou, *Tubero*, call it Guilt? Why? For that Principle hath hitherto escaped such a Term; some call it *Mistake*, some *Fear*; they who want to be a little 20
severe, name it *Hope, Ambition, Hatred, Obstinacy*; they who speak with most Severity, call it *Rashness*; but thou art the only one who has ever named it *Guilt*. But to me, if we want to assign a proper and true Term to 25
our Misfortune, a certain and fatal Calamity seems to have seized and possessed the Minds of Men. Thus ought none to be surprized, that

that human Prudence has given way to di-
vine Fatality.

SUFFER US to be wretched, tho' never can
we be so under such a Conqueror ; but I speak
5 not of ourselves; I speak of those who have
already fallen. They were ambitious, they
were resentful, they were headstrong ; but
let a dead *Pompey*, let many others be un-
branded with the Charge of Guilt, of Fren-
10 zy, of Parricide. O *Cæsar* ! were ever
such opprobrious Terms heard from you ?
When you took Arms, had you any other
End but to repel an ignominious Usage ?
What did that invincible Army of thine, but
15 assert its own Rights and thy Honour ?
How ! when you discovered an Inclination
for Peace, was it that you might accommo-
date Matters with wicked, or with worthy
Citizens ?

20 FOR my own Part, I own, O *Cæsar* ! the
great Obligations I lie under to you would
not to me appear so strong, had you
pardoned me as you would a Ruffian. For
25 by what means could you deserve so well of
your Country, if you should preserve the
Honours of so many Ruffians entire ? You
considered it at first, O *Cæsar* ! as a Seceſſion,
and not as a War ; not as a hostile Rancour,
but

but a political Schism between two Parties, who both wished well to their Country, but deviating into Measures inconsistent with her Peace, some thro' well-meaning, others thro' ambitious Views. The leading Men 5 of each Party were almost equal, as to their Characters; tho' it was perhaps far otherwise with those who followed them. The Cause was then doubtful, because on both sides there was something that was justifi- 10 able; but now the Preference is on that side which the Gods have favoured. But after such Proofs of your Clemency, where is the Man who can repine at a Victory, by which none fell but in Arms? 15

BUT not to speak of the public, let us come to our private Concerns. Which, *Tubero*, do you imagine was most easy, *Ligarius* to leave Africa, or you not to go to Africa? Were 20 we not at Liberty, say you, when the Senate decreed it? If you ask my Opinion, by no means; but the same Senate had sent *Ligarius* thither, and he obeyed at a Time when there was a Necessity of obeying the 25 Senate; you at a Time when any Man might have disputed their Orders, if he had pleased. Did I then blame you? Not at all. You acted but consistently with the Princi-

ples of your Race, your Name, your Family, your Education. But I cannot allow that you should blame in another the very Things of which you yourselves boast.

5

By Decree of the Senate, this Commission was allotted to *Tubero*, at a Time when he was not present, being detained by Sickness: He had determined to excuse himself.

10 These Circumstances I have learned by means of all the Connections I have with *Lucius Tubero*. At Home we were educated; Abroad we serv'd together; afterwards we were allied by Marriage; and lastly, we

15 were intimate through every Scene of Life.

It was likewise a strong Tie between us, that both of us have always applied to the same Business. I therefore know that *Tubero* was inclined to remain at Home; but

20 certain Gentlemen talked so much, and so strongly insisted on the Authority of the Republic, that tho' he was of another Sentiment, yet he sunk beneath the very Weight of Words.

25

He yielded to, or rather he obeyed, the Authority of a very great Man: He went along with those with whom he was embarked in the same Cause; he proceeded slowly

slowly in his Journey, and therefore arrived
not at *Africa* till it was seized upon. This
is the very Source of the Charge, or rather
of the Resentment, against *Ligarius*; for if
it is a Crime to shew an Inclination; it is 5
equally heinous in you to endeavour to hin-
der one, and keep the Government of *Africa*;
(that Strength of all our Provinces, that
hereditary Enemy to *Rome*) as in *another*
Person to chuse to govern it himself; and 10
Ligarius was not that *other Person*. *Varus*
insisted upon his being in Possession of the
Government, he certainly was of its Badges.
But however this may be, what *Tubero* can
your Complaint avail? *We were not*, say you, 15
admitted into the Province. What if you had!
Would you have delivered it up to *Cæsar*,
or have held it against him?

MARK, O *Cæsar*! with what Freedom, 20
or rather with what Presumption we treat
your Indulgence. If *Tubero* shall answer
that his Father would have delivered up to
you the Province of *Africa*, to which the
Senate and his own Fortune had sent him; 25
I will, without any hesitation, reprove his Con-
duct in the severest Terms, even before you,
however servicable it might have been to your
Interest; for tho' you might have liked, yet

you could never have approved of such a Step. But I wave all this, not so much for fear of shocking your amazing Patience, as lest *Tubero* should seem to have attempted
 5 what he never designed. You came then into the Province of *Africa*, that Province the most exasperated of all others at *Cæsar's* Success. Within this Province there was then a very powerful Prince, the Enemy of this
 10 Party; different Principles prevailed, and strong and mighty Alliances were formed: Give me leave to ask, what you intended to have done? I cannot doubt of what you would have done, when I saw what you af-
 15 terwards did; you were debarred from setting your Foot in that Province; and debarred, as you give out, by the greatest Injustice.

20 How did you bear this? Before whom did you bring your Complaints, for the Injuries you received? Why before the Man whose Authority sway'd you, and therefore whose Party you afterwards joined in the
 25 Field. But if you had come to that Province in order to serve *Cæsar*; as soon as you was shut out of it, you would have repaired to him; but you repaired to *Pompey*. With what Consistency then can you complain

plain to *Cæsar*, when you accuse the Man whom you complain of, the Man who prevented your making War upon *Cæsar*? And here I give you leave to boast, even tho' it's a Falshood, that you designed to have delivered up the Province to *Cæsar*, but happened to be prevented by *Varus* and some others. But I will confess, that the Disappointment was owing to *Ligarius*, who deprived you of an Opportunity of so much Glory. 5 10

But I intreat you, *Caius Cæsar*, to mark the Constancy of the most accomplished *Lucius Tubero*; a Virtue, which tho' I very much approve of, yet would I not have ventured to have mentioned, were it not a Virtue which I know from all others used to be distinguished by your Recommendation. Did ever Man then give such a Proof of Constancy? Constancy did I call it, I know not if I ought not rather to say *Perseverance*. Does it ever happen in a civil Difference, that any Man who is not admitted into a Party, nay who is expelled with Marks of Cruelty, again applies to the same Party? Great is the Character of that Soul, and that Man, whom no Affront, no Power, no Danger can drive from the Interest he has once 15 20 25

once espoused, and the Principles he has once embraced.

ADMITTING what was by no means the Case, that in every other respect, as to Dignity, Quality, Figure, and Parts, *Tubero* was but upon an equal Footing with *Varus*; surely *Tubero* had this Advantage, that he came into his own Province, with lawful Powers, in Virtue of the Senate's Decree. When he met with a Repulse here, he did not repair to *Cæsar*, lest he should appear resentful; not home, lest he should seem slothful; nor to a Foreign Country, lest he should be thought to condemn the Party he espoused; but into *Pompey's* Camp in *Macedonia*, and into that very Cause from which he had been injuriously thrown out.

BUT now, when that made no Impression on the Mind of *Pompey*, your Zeal for the Service was very much cooled. You were only employed in Garrisons; but you had an utter Aversion to the Party; or, was the Case with you as it commonly is in Civil Wars, nor more with you than others; were you still possessed with the hopes of conquering? My Voice indeed was still for Peace; but at last it was too late; for it must have been Madness to have thought of
Peace

Peace when one saw the Battle set in Array.
We all, I say, wished to conquer, but you
especially; for you came to that Camp either
to die or to conquer; tho', as Things have
happened, I don't doubt but that you prefer 5
your being safe here, to your being victo-
rious there.

I would not, *Tubero*, insist on these Facts,
did I think that either you repented of your 10
Constancy, or *Cæsar* of his Clemency. Now
I ask you, whether you carry on this Pro-
secution to redress your own or your Coun-
try's Wrongs; if your Country's, how can
you account for your obstinate Adherence 15
to that Party? If your own, take care that
you do not mistake, in imagining that *Cæsar*
will retain a Resentment against *your* Ene-
mies, after he has pardoned *his own*. Do you
imagine that my sole Aim here is to plead 20
then, *Cæsar*, the Cause of *Ligarius*, or speak
of what *he* has done? I desire that all I have
said, should be understood to relate to the
single Point, either of your Humanity, your
Clemency, or your Pity. 25

Cæsar, I have pleaded many Causes, even
with you, while your Progress in Honours
led you to the Practice of the Forum; but
never

never sure in this Manner ; *Pardon him, my good Lords, he has done amiss ; he has slipt ; he did not think : If he shall ever do so any more !*

This is the way of Pleading indeed, when one
 5 speaks to a Father ; but to the Judges, *He did not do, he did not intend to do it ; the Evidence is false ; the Crime is forg'd.* Pronounce, *Cæsar*, thyself to be the Judge of the Action charged upon *Ligarius* ; enquire what Town
 10 he assisted in holding out. I say nothing ; nor will I suggest what perhaps would amount to a legal Proof before any Judge. *He went out as Lieutenant before the War ; he was left to govern in a Time of Peace ;*
 15 *he was over-power'd in Time of War ; in that, he was no keen Enemy ; his Mind and Inclination being still with you,* This might be my Language before a Judge ; but I now plead before a Father ; *I have done amiss,*
 20 *I have acted rashly ; I am sorry for it ; I throw myself upon your Clemency ; I beg Pardon for my Offence ; I intreat you to forgive it : If Forgiveness is with you unprecedented, I act with Arrogance ; but if Instances of it*
 25 *are frequent, as you inspire me with Hope, so blefs me with Relief.* Shall *Ligarius* have no reason to hope for himself, while I have room to intercede with you for another ? Yet my Hopes of Success in this Cause, nei-
 ther

ther rest in this Speech, nor in the Application of your Friends in favour of *Ligarius*.

FOR I have seen, and I know what you regard, when Applications are made by 5 many different Persons, in favour of one, that the Motives of their Application give you more Delight than their Looks; nor do you reflect how much the Person who applies is your Friend; but how much he is 10 the Friend of him for whom he intercedes. Therefore, so extensive is your Liberality to your own, that they who share it sometimes appear more happy to me than yourself who dispense it. But as I said before, the Mo- 15 tives of Supplicants prevail more with you than their Intreaties; and you are most affected by those whose Sorrow in their Application you perceive to be best grounded.

20

IN saving *Quintus Ligarius*, you do indeed an agreeable thing to many of your own Friends. But reflect, as you usually do, upon one Thing; I can produce to your View, the brave *Sabines* approved by you, 25 the Flower of *Italy*, and the Strength of the State. You know them well; observe what Sorrow, what Sadness, sit upon them all; of *Titus Brocchus*, who I know possesses your

your Esteem; and of his Son observe the Tears and the Dejection.

WHAT shall I say of his Brothers? Think
 5 not *Cæsar*, that what we are now a-doing, affects the Safety but of one; you are now to fix three *Ligarius's* in the City, or to root them out of it for ever. Welcomer will any Exile be to them, than their Native Coun-
 10 try, than their Home, than their Family-Gods can be, if but this Brother is to live in Banishment. If they act in a brotherly, in a pious, in an affectionate Manner; let their Tears, let their Piety, let their fraternal Love move you: Make your Word good,
 15 that victorious Word, for we heard you say, we looked upon all as Enemies, if they were not with us; but that you looked upon all who were not against you, as your Friends. Must you not then own that all this splendid
 20 Appearance, all this Family of the *Bræcchi*, this *Lucius Marcius*, this *Caius Cæsetius*, *Lucius Confidius*, and all these *Roman* Knights who are present in mourning Apparel, whom you know, nay whom you know to be Men
 25 of Worth, were your Friends? This ~~we~~ strongly resented, we demanded them, nay some of us threatned them. Preserve therefore their Friends, that this may be a shining
 ing

ing Instance of that Veracity which has hitherto been found to attend all you say.

BUT if you could thoroughly perceive the Concord of the *Ligarii*, you would judge 5 that you have had them all on your side ; therefore can there be any doubt that if *Quintus Ligarius* could have been in *Italy*, he would have been in the same way of thinking with his Brothers. Who is not sensible, 10 that the Sentiments of that well-matched Brotherhood, breathe an almost unison Harmony ? Who does not know that any thing may happen sooner than that these Brothers should be divided in their Sentiments or their 15 Fortunes ? The Hearts of them all therefore were with you. One was sever'd from you by a Storm ; and even tho' the Separation had been effected by his own Design ; yet still would he be on the same Footing with those 20 whom you have since preserved.

BUT, admitting that he took up Arms, that he sever'd himself not from you only, but from his Brethren ; yet still these who 25 implore you, are your Friends. As indeed, I have taken a Concern in all that concerns you, I well remember, how *Titus Ligarius*, when *Quæstor* of the City, behaved with regard

256 CICERO'S ORATION

gard to your Person and Dignity. But
 needless is it for me to call this to mind;
 I hope that you, who use to forget nothing
 but Injuries, will, agreeable to your Senti-
 5 ments and Nature, that you will I say, upon
 recollecting, remember somewhat of his
 Conduct as a *Quæstor*; especially when you
 call to mind that of some others in the
 same Office.

10

THE same *Titus Ligarius*, who at that
 time acted only to give you an Opinion of
 his Zeal and Probity, (for this he could
 not foresee,) from you now implores the Par-
 15 don of his Brother: Which when, as a Re-
 ward of his Services, you shall grant to both
 the Supplicants, you will then restore three
 Brethren of the greatest Worth and Inte-
 grity, not to one another only, not only to
 20 that considerable numerous Body, and to us
 intimate, his Friends, but to the Service of
 his Country.

THE same Part therefore you lately acted
 25 by *Marcus Marcellus* in the *Senate-House*,
 act here in the *Forum*, by these Brothers, of
 so great Worth, and in such Esteem with
 this numerous Assembly. As you gave *Mar-*
cellus to the Senate, give *Ligarius* to the
 People;

People ; whose Affections you have ever held in the highest Regard ; and if that Day for you was glorious, so to the People of *Rome* it was delightful. Do not, I beseech you *Cæsar*, hesitate to court, as oft as you can, every 5 such Opportunity ; nothing is so popular as Goodness, and none of your many Virtues begets either greater Admiration or Love, than your Pity.

FOR in nothing does Mankind approach 10 so near to the Gods, as by giving Safety to Men : In your Fortune, there is nothing more exalted than that you have the Power, in your Nature there is nothing more amiable 15 than that you have the Inclination, to preserve Numbers. This Cause may perhaps require a longer, but your Dispositions, I am certain, a shorter Speech than this : Therefore as I think that my Speech, that no 20 Man's Speech, can be near so prevailing as the Language of your own Heart ; I will here break off, after putting you in Mind, that by preserving the Man who is absent, you preserve all who are present.





EXPLANATORY

NOTES

To the foregoing

ORATIONS.



THE

EXPLANATORY

NOTES

To the foregoing

ORATIONS

OF



EXPLANATORY
NOTES
To the foregoing
ORATIONS.

[That the Reader may have all the Light he possibly can into the Subject of the Oration for MILO, I have thought proper to present him with the Argument of Asconius, as translated and sent me by a Gentleman.]

ASCONIUS'S ARGUMENT.



ANNIUS Milo, P. Plautius Hypsæus, and Quintus Metellus Scipio, stood for the Consulate, not only by profuse and public Corruption, but also environed with Parties of armed Men.

Milo and Clodius were inveterate Enemies; because Milo, being the determined Friend of Cicero, had used his utmost Endeavours to get him recalled from his Banishment; and Publius Clodius, bearing a mortal Hatred to him, upon his return to Rome, warmly espoused the Interests of Hypsæus and Scipio, in opposition to

Explanatory NOTES.

Milo. The Enmity between these two ran so high, that their Factions came often to Blows within the City, with an Audaciousness that was on both Sides equal; but *Milo* always stood up in Vindication of the right Cause.

Besides, in the same Year, *Milo* stood for the Consulate, and *Clodius* for the Prætorship, but *Clodius* thought its Power would be abridged by *Milo*'s being Consul; and the Meeting of the Court, for the Election of Consuls, had been long adjourned, and rendered impracticable by reason of the fierce and bitter Contests between the Candidates; which occasioned that there were neither Consuls nor Prætors elected even so late as the Month of *January*, the Day of Election being still put off.

In this Situation of Affairs, *Milo* endeavoured to procure a Meeting of the Comitia as soon as possible, and was upon the Point of succeeding; for he had not only the good Wishes of all virtuous Men who opposed *Clodius*, but likewise of the Populace itself, who cared for him on account of his Largesses, and the vast Expences he had been at in entertaining them with Plays and Shews of Gladiators; on which, *Cicero* says, he had squandered away no less than three Estates. But his Competitors endeavoured to put off the Day appointed for this Purpose as long as they could; and therefore *Pompey*, Son-in-Law to *Scipio*, and *Titus Munatius*, a Tribune of the People, would not suffer an Address to be made to the Senate for assembling the Patricians, in order to create an Interrex, which was customary upon Occasions of the like Nature.

On the 13th of the Calends of *February* (for I think the Registers and the Oration itself agreeing with them are more to be rely'd on, than *Fenestella* who fixes it on the 14th) *Milo* went to *Lanuvium* (of which he was a Citizen, and at that time Dictator) in order to create a Priest next Day. About three in the Afternoon, *Clodius*, in his return from *Aricia*, meets him a little on the other Side of the *Bovillæ*, and nigh the Place where the Temple of *Bona Dea* stands. *Clodius* was on Horse-back, his Retinue consisted of about thirty Slaves with Swords, and every way prepared for an Attack, which

Explanatory NOTES.

which was the usual Way of travelling in those Days. Besides these, *Clodius* had three Companions, one a Roman Knight, named *Caius Cassinius Scola*; the other two raised from the *Plebeian* to the *Equestrian* Order, viz. *P. Pomponius*, and *Caius Clodius*; *Milo* was in a Chariot, together with his Wife *Fausta*, the Daughter of *Lucius Sylla* the Dictator, and *Marcus Fufius* his intimate Acquaintance. He was attended by a great Number of Servants, some of them Gladiators, and two of them particularly famous in that way, viz. *Eudamus* and *Birria*; who walking slowly in the Rear happened to enter into a Quarrel with the Servants of *Clodius*. *Clodius* turning about with a stern and menacing Air to behold the Fray, *Birria* run him thro' the Shoulder with a Tuck. The Riot encreasing, *Milo's* Servants ran up to the Assistance of their Companions, and *Clodius* being wounded was carried into a Tavern near the *Boville*. *Milo* hearing that *Clodius* was wounded, and thinking that it might prove dangerous, if he should live to resent it, but that his Death would give him great Satisfaction, even tho' he should be punished for it, ordered the Tavern to be broke open. *Marcus Fufienus* was the Ringleader of *Milo's* Servants. And *Clodius* attempting to conceal himself was dragged forth, and killed with repeated Stabbs. His Body was left on the High-way, because his Servants were either slain, or being wounded, took care to conceal themselves. *Sextus Tedi*us, a Senator, who by chance, as he returned from the Country, took it up, ordered it to be carried to *Rome* in his Litter, and returned instantly. The Body reached *Rome* before the first Hour of the Night; a great Multitude of Servants, and of the lower Class of People flocked about it, and mourned over it when lying in the Court before the House. What still heightened the Horror of the Deed, was his Wife *Fulvia's* exposing his Wounds to the public View, in all the Agony and Action of Grief. By the Dawn of the next Day, a greater Multitude of the same Kind assembled, and many Men of Note were squeezed to Death, among whom was *Caius Vibienus* a Senator. The House of *Clodius* was a few Months before bought of *Marcus Scaurus*, and stood on the *Palatine* Mount; *Munatius Plancus*,

Explanatory NOTES.

Brother to *Lucius Plancus* the Orator, and *Quintus Pompeius Rufus*, (Grandson to *Sylla* the Dictator by his Daughter) Tribunes of the People, quickly repaired thither; and by their Instigations the thoughtless Mob was prevailed upon to convey his Body (stript of every thing save Shoes, just as it lay in the Bed) into the Forum, and place it on the *Rostra*, that so the Wounds might be the better seen. There *Plancus* and *Pompey*, *Milo*'s Enemies, made invective Speeches against him, while the People, under the Conduct of *Sextus Clodius* a Scribe, brought the Body of *Clodius* into the Forum, and burnt it with the Desks, Seats, Tables, and Books belonging to the Clerks; by which Fire the Court itself was burnt, and the *Porcia Basilica* adjoining to it damaged. The same Mob, favouring *Clodius*, beset the House of *Milo*, then absent, and of *Marcus Lepidus* the Interrex; but they were beat off with Arrows. Upon which, having snatched the Fasces from the Bed of *Libitina*, they carried them to the Houses of *Scipio* and *Hypsæus*, then to the Gardens of *Cneius Pompeius*, proclaiming him sometimes Consul, and sometimes Dictator. But the burning of the Court more effectually moved the Citizens, than the killing of *Clodius*.

Wherefore *Milo* (who according to common Report was gone into voluntary Exile) receiving Spirits from the Unpopularity of his Enemies, was returned to *Rome* that very Night on which the Court was burnt, and put in for the Consulate, notwithstanding what he had done. He likewise publicly distributed to the People a thousand *Asses* a Man.

Some Days after, *Marcus Cælius*, Tribune of the People, and *Manilius Canianus*, his Colleague, harangued the People in his Favour, vindicating his Conduct, and affirming that *Clodius* had way-laid *Milo*.

In the mean Time were created *Interreges* successively, who could not procure a Meeting of the Courts for the Election of the Consuls, on account of the factious Tumults of the Candidates, and the armed Bodies that were kept on Foot. The first thing the Senate decreed was, that the *Interrex*, the Tribunes of the People, and *Cneius Pompeius*, who at that time was *Proconsul* for the City, should take care the Public should sustain

Explanatory NOTES.

sustain no Loss; and that *Pompey* should make a general Levy throughout all *Italy*. He having expeditiously raised a Body of Men for the Safety of the Commonwealth, two young Men, both named *Appius Claudius*, (Sons of that *Caius Claudius*, who was Brother to *Clodius*) in their Father's Name and Authority impeached *Milo* of their Uncle's Death; they demanded Slaves of *Milo*, and of his Wife *Fausta*, insisting upon their being produced. The two *Valerii*, *Nepos* and *Leo*, and *Lucius Herennius Balbus*, likewise demanded the said Slaves. At the same Time *Caelius* demanded the Slaves of *Clodius*, and his Companions. The Slaves of *Hypsæus* and *Quintus Metellus* were demanded by *Manilius Canianus*, Colleague to *Metellus*.

Milo had for his Counsel *Quintus Hortensius*, *M. Cicero*, *M. Marcellus*, *M. Calpidius*, *M. Cato*, and *Faustus Sylla*. *Quintus Hortensius* made a short Speech; the Design of which was to prove that those who were demanded as Slaves were Free-Men born; for *Milo* had set them at Liberty, because they had defended his Life.

These Things were transacted in the Leap Month, almost thirty Days after *Clodius* was killed. “ *Quintus*
“ *Metellus Scipio* complained in the Senate, against
“ *Marcus Cæpio*; and with regard to the Death of
“ *Publius Clodius*, asserted it to be false, that *Milo*
“ had behaved in that defensive Manner as given out,
“ and that *Clodius* had gone out with a Design to
“ speak with the Magistrates of *Aricia*, and was at-
“ tended with twenty six Slaves. That *Milo* in a
“ great hurry after four o’Clock, when the Senate
“ was broke up, went to meet him with more than
“ three hundred armed Slaves, and in his Journey sur-
“ prized him unawares above the *Bovillæ*. That *Pub-*
“ *lius Clodius*, having there received three Wounds,
“ was brought to the *Bovillæ*. That the Tavern,
“ into which he had fled for Safety, was by *Milo* broke
“ open; and that *Clodius*, when half dead, was dragg’d
“ thence and slain in the *Appian* way. That his Ring
“ was taken off his Finger, when dying; that when
“ *Milo*, who was then in *Albanum*, knew that *Clodius*’s little Son was come to that Town, but convey’d

Explanatory NOTES.

“vey’d away before he received the Information of
 “it, he so tortured a Slave of his, one *Alicon*, that he
 “cut him into Pieces; that he cut the Throats of
 “the Bailiff, and two Slaves more: That of the
 “Slaves who defended *Clodius*, eleven were killed,
 “whereas only two of *Milo*’s were wounded. That
 “for these Reasons, *Milo*, the following Day, freed
 “twelve of his Slaves, who had been most instrumen-
 “tal in the Attack, and distributed among the People
 “throughout all the Tribes a thousand Pieces of Mo-
 “ney to each, that so they might take his Part.”

’Tis said that he sent to *Cneius Pompeius*, who was
 much in the Interests of *Hyppæus*, who had been his
 Quæstor, telling him, that if he had a mind, he would
 desist from standing for the Consulate. It was reported
 that *Pompey* answered, he neither desired any one to
 sue for the Consulate, nor to drop his Pretensions to it;
 and that he would not interpose either as to the Power,
 the Counsels, or Decrees of the Roman People: Nay,
 he is said to have begged by *Caius Lucilius* (who fa-
 voured *Milo* on account of his Familiarity with *Mar-*
cus Cicero) that he would not render him unpopular by
 consulting him in this Affair.

Thus stood Matters, when the Rumour prevailed
 that *Cneius Pompeius* was to be created Dictator, and
 that the Calamities of the City could not well be put
 an End to by any other Expedient; the Nobility
 thought it a safe Step, to create him Consul without a
 Collegue. After this Affair had been debated in the
 Senate, and a Decree of the House given upon the
 Opinion of *Marcus Bibulus*, *Pompey* was upon the
 5th of the Calends of *March* created Consul, by the
Interrex Servius Sulpicius, and immediately entered
 upon the Consulate.

Three Days after he made a Motion for en-
 acting new Laws. Two he actually promulged by a
 Decree of the Senate: One in which he expressly com-
 prehends the Murder in the *Appian* way, the Burn-
 ing of the Court, and the Attack made upon the
 House of *Marcus Lepius* the *Interrex*: The other re-
 lating to procuring Posts by Bribery; providing a
 severer Punishment for this Crime, and a quicker Me-
 thod of dispatching Trials: For both Laws required
 that

Explanatory NOTES.

that the Witnesses should be examined three Days before, and that then the Plaintiff and Defendant should plead their Causes in one Day, and that the Defendant should have three, and the Plaintiff two Hours allotted him for that Purpose.

Marcus Cælius, Tribune of the People, the determined Friend of *Milo*, opposed these two Laws; because he said, that not only a particular Law was enacted against *Milo*, but that his Trial was carried on in a quicker Way than was usual. And *Cælius* persisting in his Opposition to this Law, *Pompey* resented it so, that he said, "He himself would defend the Republic by Arms, if there was a Necessity for it": But *Pompey* was afraid of *Milo*, or at least pretended to be so; for instead of staying in his own House he lurked, for the most part, about such of his Gardens as were laid out on a rising Ground; round which also a great Body of Soldiers watched. *Pompey*, likewise, once kept the Senate in his own Portico, because he said he was afraid of being attacked by *Milo*.

At the next Meeting of the Senate, *Publius Cornificius* maintained, that *Milo* had a Dagger concealed under his Coat, and demanded a Search; upon which *Milo* threw aside his Coat, and cleared himself from the Asperion. Then *M. Cicero* cry'd out, "That all the other Crimes with which *Milo* was charged, were no better founded."

Munatius Plancus, a Tribune of the People, next produced to the Assembly *M. Æmilius Philemon*, a Person well known, and the Free'd Man of *Marcus Lepidus*: He said, that he and other four Freemen, in their Journey, came up, when *Milo* and his Attendants were killing *Clodius*, and that when they called out for Assistance, they were seized, carried to *Milo's* Farm, and there shut up for two Months. This Declaration, whether true or false, was of great Prejudice to *Milo*. The same *Munatius* and *Pompey*, Tribunes of the People, produced a Capital Triumvir upon the Rostrum, and asked him, if he had found *Galata*, *Milo's* Servant, accessory to the Murder. He answered, that he was apprehended as a Fugitive when sleeping in the Tavern, and brought to him; they, nevertheless, ordered the Judge to confine the Servant; but next Day *Cælius*,

Explanatory NOTES.

a Tribune of the People, and *Manilius Canianus*, his Colleague, having rescued the Slaves from the Triumvir's House, restored him to *Milo*.

Tho' *Cicero* makes no mention of these Circumstances; yet knowing them to be true, I thought proper to insert them.

Among the first, *Quintus Pompeius*, *Caius Sallustius*, and *Titus Munatius Plancus*, Tribunes of the People, made bitter invective Speeches, not only against *Milo*, but against *Cicero*, for his resolute Defence of *Milo*; the Mob too was enraged at *Cicero* for his unpopular Conduct in this Defence.

Pompey and *Sallust* were afterwards suspected of being reconciled to *Milo* and *Cicero*; but *Plancus*, persisted inveterately, instigated the People against *Cicero*, and rendered *Milo* suspected to *Pompey*; by bellowing out that *Milo* intended to attack his Person. For this Reason, *Pompey* often complained he was in danger from barefaced Treachery; and therefore was guarded by a larger Body of Men than usual: *Plancus* also told him that he ought likewise to impeach *Cicero*; and tho' *Pompey* afterwards threatened the same, *Cicero*'s Honesty and Constancy were so great, that neither the Opposition of the People, the Suspicions of *Pompey*, the Dread of future Danger from a popular Impeachment, nor the Arms which were openly taken up against *Milo*, deterred him from defending him; tho' at the same Time he might have avoided his own Danger, with the Odium of the Mob, and regained the Favour of *Pompey*, had he been less keen in the Defence.

Hereupon *Pompey* (after enacting a Law, a Clause of which bore, that by the Votes of the People, a Judge in Capital Matters should be created from among those who had been Consuls) held the Comitia, and *Lucius Domitius Aenobarbus* was named Judge. The rest of the Assessors upon this Trial proposed by *Pompey* were such, as *Rome* at no time could boast of Men of clearer Heads or better Hearts.

Immediately after *Milo* was impeached by the two Youths, *Appii Claudii*, upon the new Law; these were the same, who a little before had demanded his Slaves; the same Prosecutors likewise accused him of Corruption.

Explanatory NOTES.

ruption. These Prosecutions were undertaken with this View, that as the first Trial would be upon the Bloodshed, (upon which they apprehended he must be convicted) he might not afterwards put in an Answer.

The previous Question, as to the Corruption, was debated before *Aulus Torquatus*, the President of that Trial; and both the Presidents, *Torquatus* and *Domitius*, summoned the Defendant to appear before them, the Day before the *Nones* of *April*. On that Day, *Milo* in Person attended the Tribunal of *Domitius*, and sent his Friends to that of *Torquatus*, who at the Request of *Marcus Marcellus* dispensed with his standing a Trial upon the Charge of Corruption, till that upon the Bloodshed was discussed.

But before *Domitius*, *Appius Major* demanded *Milo* to deliver up fifty four of his Slaves; and when he denied that the Persons named were in his Power, *Domitius*, with the Concurrence of the other Judges, pronounced that the Accuser should have Liberty to name what Number of the Slaves he pleased.

Then the Witnesses were cited, according to that Law, which (as we above hinted) enjoined, "That before the public Trial should come on, the Witnesses should be heard for three Days; that the Judges should take Minutes of their Declarations; that on the fourth Day, they should all be ordered to appear the Day following, and that then the Plates, on which the Names of the Judges were written, should in the Presence of the Accuser and the Criminal be compared together. That the Day following, there should (by casting Lots) be an Election of eighty one Judges, who were to sit as soon as they were chosen: That the Plaintiff should have two, and the Defendant three Hours allotted for pleading; and that the same Day Sentence should be given. But that the Plaintiff and Defendant should first have each a Liberty of striking five out of every one of the three Orders; so that the Number of Judges should amount but to fifty one."

On the first Day *Cassinius Scola* was brought as an Evidence to convict *Milo*; who said, that he was with *Clodius* at the Time when he was murdered by *Milo*, and in the Course of his Evidence aggravated as much

Explanatory NOTES.

as he could the Heinousness of the Crime. *Marcus Marcellus* beginning to cross-examine him, was attacked by so hideous a Riot and Outcry of the *Clodian* Faction, who were by, that to avoid its Consequences, which he apprehended might be fatal, he was obliged to shelter himself in the Tribunal of *Domitius*. Upon this, not only he, but *Milo* petitioned *Domitius* for Protection. *Cneius Pompeius* then sitting in the Treasury, offended at this Riot, promised to *Domitius* next Day to appear with a Guard; which he did, and by it the *Clodian* Party was so overawed, that without any Noise, they suffered the Depositions of the Witnesses to be taken for two Days. *Marcus Cicero*, *Marcus Marcellus*, and *Milo* himself examined them. Many of the Inhabitants of the *Bovillæ* gave in their Evidence, viz. "That the Master of the Tavern was slain, the Tavern itself broke open, and the Body of *Clodius* dragged forth to the High-way. The Vestal Virgins likewise said, that an unknown Woman came to them by *Milo's* Orders to pay her Vows, because *Clodius* was dead." The last who gave in their Evidence were *Sempronia*, the Daughter of *Tuditanius*, and Mother-in-Law to *P. Clodius*, and his Wife *Fulvia*, who by their weeping made a great Impression on all who were present. The Trial breaking up at four o'Clock, *Titus Munatius* exhorted the People to assemble next Day, that *Milo* might not be suffered to escape, and to express their Grief for the Death of *Clodius*.

Next Day, the third of the *Ides of April*, when the Judges were to pronounce Sentence, all the Shops of the City were shut up, and Guards placed in the Forum, and all its Avenues, by *Pompey's* Orders, who placed himself before the Treasury, as he had done the former Day, surrounded by a Body of Troops. Then the Election of the Judges was made by Lots, as on the first Day, when there was a profound Silence throughout the whole Forum.

About eight o'Clock, the Plaintiffs, *Appius Major*, *Marcus Antonius*, and *Publius Valerius Nepos* began to plead, which (according to the Law) they did only for two Hours.

To these *Cicero* alone replies; and though some chose to defend the Action upon this Principle, *that the Death of*

Explanatory NOTES.

of *Clodius* was for the Interest of the Common-Wealth, a Reasoning introduced by *Marcus Brutus*, in the Oration he composed for *Milo*, tho' he did not deliver it; this did not please *Cicero*, because, tho' it might be for the public Interest, that a Man should be condemn'd, it did not follow that he might be killed uncondemned. *The Man who for the public Good was condemned, could not be killed if uncondemned.* Therefore, when the Plaintiffs asserted that *Milo* had way-laid *Clodius*, (which was false, the Fray happening by chance) *Cicero* replies, and maintains that *Clodius* way-laid *Milo*; on this single Point, the whole of his Oration depends: But the Evidence came out, as we hinted above, *that neither of them that Day engaged designedly, but that the Encounter was casual, and that the Scum of the Servants proceeded to Blood-shed*; but it came out that each had threatned the Life of the other; and as the great Retinue of *Milo* were more suspected than the others, so the others were more upon their Guard, and better provided for an Attack.

When *Cicero* began to speak, he was interrupted by a Shout of the *Clodian* Faction, whom even the Terror of the Guards could not restrain, which disconcerted him so that he fell short of his usual Manner.

The Oration in which he was interrupted remains; but he wrote this with so much Spirit and Art, that it is deservedly looked upon as his Masterpiece.



Notes upon the ORATION for MILO.

THAT we may give the Reader a clear and comprehensive Notion of *Cicero's* Art in this Oration, it may be proper to premise an Anatytical Account of the Disposition of the Whole.

The Point of Enquiry according to our Author is, not whether *Clodius* was killed by *Milo*, for that is confessed, but whether he was not lawfully killed. This he maintains in the Affirmative, by laying down a general Proposition, *viz.* That it is lawful to kill the Man who lies in wait, and attempts to murder you.

This general Proposition he proves; ft1.

Explanatory NOTES.

1st, From the Authority of the People, former Trials, and the Laws in being.

2dly, From the Silence of the Laws pass'd on that Occasion, either by the Senate or *Pompey*.

Our Author having thus established his general Propositions, proceeds to prove, that *Clodius* comes precisely under that Description: This he does,

1st, From the Advantages that were to arise to the Deceas'd by the Death of *Milo*.

2dly, From the declar'd Hatred he had always express'd for the Prisoner.

3dly, From the criminal Behaviour of the Deceas'd thro' all the Scenes of Life.

4thly, From his Hopes of Impunity.

And the Evidence, upon which these Circumstances are all'dg'd, are

The Words and Actions of the Deceased.

The COROLLARY.

Clodius was lawfully kill'd, and *Milo* acted on Self-defence.

Page 1, Line 1. *Quintilian*, one of the greatest Judges of Antiquity, is the Author who illustrates the Beauties of our Orator the most copiously; for which Reason, and because no Translation of *Quintilian* is extant, I intend in these Notes to make use of his Observations; and I make no doubt but that the Reader will own they are more judicious, and discover a truer Knowledge of *Cicero's* Manner, than we find in any other Writer.

The Prooemium to this Oration is finely praised by *Quintilian*, in the Rules he lays down against a vicious Monotony.

“ Let us, says he, propose as our Example the Beginning of that noble Oration for *Milo*: Are not at every Period the Muscles of the same Face to be varied with the Delivery? *Etsi vereor judices ne turpe sit pro viro fortissimo incipientem dicere timere.* Tho' the whole

Explanatory NOTES.

whole Proposition is pithy and submissive, because it is an Exordium; yet must the Orator be supposed to speak more full and erected, when he pronounces the Words *pro fortissimis viro* than *Etsi vereor*—*—turpe est*—*—timere*. In the next Pause he must have risen by as it were a natural Effort, which leads to a bolder Pronunciation, and better exemplifies the Courage of *Milo*. *Minimeque deceat cum Titus Annius ipse magis de Republicæ salute quam de sua perturbetur*: Then, as if he blam'd himself, *Mile aut ejus Causam parvam animi fortitudinem asserere non posse*. Then he varies to a hated Object; *Tamen haec nova judicii nova forma terret oculos*. Immediately, as if he had almost quite recover'd his Spirits; *qui quodcumque inciderint veterem consuetudinem fore et pristinum morem judiciorum requirant*. Then what follows is free and diffus'd; *non enim coronâ confessus vester cunctus est, ut solebat*. This I have brought as an Instance that not only Sentences but Syllables ought to be differently articulated; otherwise every Sentence will have the same Effect. As much Care is taken to keep up to these Beauties in the Translation, as I thought consistent with the Spirit of our Language.

Page 1, Line 11. *Unusual Pomp of Justice.*] The Expression in the Original is *novi judicii nova forma*; a new Form of a new Tryal: The Reason why *Cicero* call'd it so deserves Attention.

Criminal Cases among the *Romans* were try'd either judicially, or extrajudicially. The judicial Proceedings were carried on by the acting *Prætors* in criminal Cases; these *Prætors* were call'd *Prætores Quæstores*, or *Quæstores Parricidii*, and they determined according to Law and Precedents; their Proceedings therefore were call'd *Quæstiones perpetuæ*.

Extrajudicial Proceedings were observed in those Cases, where the Circumstances of the Crime were such as not to be provided for by Law, or such as deserved a greater Punishment than the Law inflicted. In this Case the Senate or the People appointed a Commission, with a President for trying it. This Trial of *Milo* was of the latter kind; which *Cicero* thought to be a Hardship; since, as he says, they had Laws and Precedents, and there was nothing special in the Case

Explanatory NOTES.

to require an *extrajudicial* Proceeding, But perhaps the Reader, who has attended to *Asconius's* Argument, will be of a different Opinion.

The Reader is here to take Notice, that this Trial happening while *Pompey* was *Dictator*, all the judicial Authority, both of the Senate and People, devolved upon him, and he might have tried *Milo* himself.

Page 2, Line 13. *The Means of Safety.*] *Cicero* here in the Original has a Jingle, which no modern Language could admit of, without losing much of its Dignity. Whether it is not even too low in the Original, I shall submit to the Reader. The Expression is, *Ne non timere quidem sine aliquo timore possumus*, i. e. Without some Fear we cannot fear. But I shall beg Leave here once for all to make one Observation, which will be of great use to an ingenuous Reader, who shall carry it in his Eye. There is a great Difference betwixt what is wrote in order to be delivered, and what is wrote only to be read. The first supposes many Circumstances present to the View; many particular Passions that are to be applied to; many different Understandings that are to be consulted, none of which can enter into a Composition that is wrote in order to be read only. Therefore, when a Reader meets in an Oration with a Passage that seems too trivial for the Subject, let him take all these Circumstances into his View, and make himself Master, as much as possible, of the Situation of the Speaker; he will then often see with less severe Eyes, than when it presents to him merely as a matter of Information. We know by Experience, what a Difference there is betwixt any Story that passes in common Conversation, where the Circumstances are enlivening, and the Accidents interesting, and the same Story repeated, stript of all these, how affecting or diverting it may appear in one Light, and how cold and insipid in another. The same may be said of this Oration, delivered while the Speaker was under a real or affected Consternation, and obliged to accommodate every Expression to what he designed should appear.

Page 2, Line 22. *A Person of most consummate Justice.*] This fine Compliment to *Pompey* is introduced with an oblique Glance of what *Tully* keeps
always

Explanatory NOTES.

always in his View thro' this Oration, which is the Partiality which *Pompey* shew'd in granting this Trial. As *Pompey* had great Authority and great Power at that Time in *Rome*, the Orator endeavoured to remove all the Effects which this Partiality might have upon the Minds of the Judges.

Page 3, Line 8: *And every Man of them.*] At this Tryal three Ranks of Men were present: The Soldiers, whom *Pompey* had plac'd; the Citizens, waiting the Event of the Trial; and the *Clodians*, whose Thoughts were bent upon the Ruin of *Milo*; besides, *Cicero* stiles them Citizens in contradistinction to the *Clodians*, who on account of their seditious Practices did not deserve that Name.

Page 3, Line 18. *Those Robbers and Incendiaries.*] *Clodius* had by his Rapines gain'd over to his Interest the base and abandon'd Part of the Citizens, for he sold the Consular Provinces to *Piso* and *Gabinus*; with them he shar'd the Treasure; And to *Bregitarus* he sold the Province of *Pessinus* in *Phrygia*.

Page 3, Line 22. *Instigated by the Speeches of Yesterday.*] *Munatius Plancus*, one of the Tribunes of the People, the very Day before this Oration was deliver'd, in a set Speech, exhorted the People to use all their Diligence to prevent *Milo's* Escape.

Page 4, Line 23. *Whose Services to our Country.*] He here beautifully excites the Compassion of the Judges, in his own and *Milo's* Favour, from a Consideration of the Services they had done to the State, and the Injuries they had receiv'd at the Hands of the *Clodians*.

Ibid, Line 23. *Milo* might justly claim the highest Offices, on account of his Merit; and accordingly had been formerly created Tribune, and was now putting in for the Consulship.

Page 5, Line 15. *Tribuneship of Annius.*] *Annius Milo* was created Tribune the Year after *Clodius* had been so.

Page 6, Line 10. *Error being dispell'd.*] The *Clodians*, and especially *Munatius Plancus*, and *Quintus Pompeius*, Tribunes of the People, declare for *Milo's* Death; and founding their Argument upon a former Decision, they deny that a Man who confesses he has kill'd another, should be allow'd to live. This Argument *Cicero* answers in a most pa-

Explanatory NOTES.

thetic and at the same time a most artful Manner, by producing Counter-decisions in parallel Cases.

Ibid. Line 17. *Brave Horatius.*] Under the Reign of *Tullus Hostilius*, the three *Curiatii* kill'd two of the *Horatii*; but the surviving *Horatius*, animated with uncommon Vigour, and fir'd at once with the Honour of his Country, and the Death of his Brothers, kill'd all the three *Curiatii*: Returning in Triumph from so glorious a Victory, his Sister, the Wife of one of the *Curiatii*, met him by the Way, with Tears in her Eyes, bewailing the Death of her Husband, and testifying her Grief for the Victory of the *Romans*: *Horatius*, enrag'd at this, slew his Sister; and being apprehended for the Fact, he appeal'd to the People, and was acquitted.

Page 7, Line 2. *Tiberius Gracchus.*] *Tiberius Gracchus*, after having been the Author of many Seditions, wanted to be a second time created Tribune of the People; but by the Orders of *Publius Cornelius Nasica* he was, by the Nobles in the Capitol, beat to Death with the Splinters of Desks, and his Body thrown into the River.

Ibid. Line 4. *Ahala Servilius.*] When Famine rag'd in *Rome*, *Spurius Melius*, a *Roman* Knight, at his own Charge, supply'd the Populace with Provisions; and becoming popular by this Conduct, he affected the Sovereignty; but his Designs were frustrated by his Death; for in the Year of the City 314 *Quintus Cincinnatus*, the Dictator, ordered *Servilius Ahala*, Master of the Horse, to kill him, which he accordingly did.

Ibid. *Tiberius Gracchus* having in his Tribuneship procur'd the Favour of the People by his Largesses, violently oppress'd the State; upon which the Senate ordered *Mucius Scaevola*, the Consul, to take Arms in defence of the Republic: But he refusing this, *Publius Nasica* offer'd himself as General, and bravely spoke the genuine Language of Patriotism in these Words: *Qui salvam rempublicam esse volunt, me sequantur*; Let all who wish well to *Rome* follow me.

Ibid. In the Year of the City 632 this *Opimius* kill'd *Caius Gracchus*, the Brother of *Tiberius Gracchus*, attempting to raise fresh Seditions in the State.

Ibid. Line 5. *Marius.*] *Caius Marius* kill'd *Saturninus*.

Ibid. When *Cicero* was Consul, he by the Senate's Orders

Explanatory NOTES.

Orders put to Death *Lentulus* and *Catbégus*, together with some others embark'd in the Conspiracy of *Catiline*.

Ibid. Line 13. *Revenge'd the Death of his Father.*] *Orestes* is here meant, who kill'd his Mother *Clytemnestra*, for having embro'd her Hands in the Blood of *Agamemnon* his Father. When he stood his Tryal, the Judges were divided in their Opinions: Upon which an Appeal being made to the Gods, he was acquitted by *Minerva*.

Ibid. Line 18. *Twelve Tables.*] The Laws of the twelve Tables were enacted by the *Decemviri*, and engrav'd on twelve Plates of Brass. The one relating to Theft, according to *Macrobius*, runs thus: *Si nox furtum factum sit, si in aliquis occidit, jura casus esto*: If a Theft shall be committed in the Night-time, the Person committing it may be lawfully slain.

Page 8, Line 5. *Relation of Caius Marius.*] This Military Tribune was *Caius Lucius*, the Nephew of *Caius Marius*, and a Wretch so brutally wicked as to attempt to pollute the Body of one *Trebonius*, a private Soldier, whom he call'd into his Tent in the Silence of the Night, with a View to execute his more than hellish Purposes: *Trebonius* went into the Tent, and sav'd his Honour by the Death of the Man who attack'd it. This Affair being laid before *Marius*, the Youth was by him not only acquitted, but likewise honour'd with a Crown or Garland. This signal Piece of Justice procur'd the Consulship a third Time to *Marius*.

Ibid. Line 13. *A Law not adopted.*] I have here transpos'd *Tully's* Words; a Liberty I shall always take when the Genius of our Language requires it, as it does in this Place; and when it can be done without an Alteration of the Sense. Few Passages of Antiquity have been oftner and more justly praised than this. First, for the beautiful Harmony and sweet Variation of the Periods; the Consideration of which oblig'd me to take a greater Liberty in translating them. I hope I have preserved all that *Tully* could mean; but as it would be an Injury done to an *English* Reader not to acquaint him with the precise Terms in which our Author delivered himself, I shall

Explanatory NOTES.

here present him with a literal Translation of the whole Passage: "For this, my Lords, is a Law not *written* but *born*; (*a Law*) which we have not learn'd, receiv'd, read; but snatch'd, suck'd in, squeez'd from Nature herself; (*a Law*) to which we have not been tutor'd, but form'd; we have not been train'd, but tin~~ctur~~'d." The next Excellence of this Passage lies in the Closeness of Reasoning contain'd in it; for Cicero here brings his Adversaries into the following Dilemma: *If, says he, you are unjustly attack'd, it is either lawful to defend yourself, or not. If it is not lawful, my Client has done right; if it is unlawful, an Absurdity unavoidably follows.* Its last Excellence lies in the fine political Maxim it establishes; for it is upon Extension of this Maxim that all Principles of *Public Liberty*, as well as *private Self-Defence*, are built. Various are the Authorities which may be produced from Antiquity, to prove that this Law of Self-Defence is established previous to all Laws; and that it takes Place in a public as well as a private Capacity. It may be extended to the Right which all Societies have to repel the Encroachments of Power: And to use our Author's Words, *It puts into the Hands of the People the Sword that is to chastise the Crimes of the Tyrant.* What the Opinion of the Antients was with regard to this great Maxim of Liberty, we may see by the following few, out of a great many other, Quotations.

Xenophon, Lib. 4, Rer. Mem. "O Hippias! "Do'st thou believe that there are unwritten Laws? "Yes, those which at all Times, and in all Nations "are promulg'd in the same Manner. Can you, "therefore, assert that these derive their obligatory "Force from the Will of any Mortals? How can "that be, since Mankind differ so widely in their Sentiments and their Languages? Who, then, do you "believe were the Authors of these Laws? The "Gods, reply'd Hippias." *Antigone, in Sophocles,* when *Creon* puts this Question to her, "And didst "thou dare to transgress my Laws?" answers thus; "These Things are neither positively enjoin'd me by "Jove, nor am I oblig'd to them by the express Com-
mand of those inferior Deities who have establish'd
"Laws

Explanatory NOTES.

“ Laws to Mortals : Nor do I imagine your Edicts
 “ to be of such Force and Weight as to be able to
 “ weaken the unwritten Laws of the Gods : For these
 “ Laws are not only of Force To-day, or Yesterday,
 “ at this or that particular Time, but at all Times,
 “ and for ever ; neither can any one trace them to
 “ their Source.” *Aristotle* in Book 5, Chap. 15. of
 his *Ethicks*, makes mention of the same Distinction in
 the Words of *Antigone*, in these Words : “ But one
 “ Branch of the Civil Law is of natural, and another of
 “ positive Institution. The natural is every where
 “ of equal Force, and independant of the Sentiments
 “ and Opinions, the Commands and Institutions of
 “ Mankind. But as for the positive Part, it was not
 “ originally a Matter of Indifference, whether it en-
 “ join’d such and such Things or not ; but after the
 “ Injunction, the Duties enjoin’d are no longer of an
 “ indifferent Nature.” And 3 *Politic*. Cap. 18,
 “ These Laws are nobler, and relating to nobler Du-
 “ ties, which spring up with Nature, than those that
 “ are wrote in Codes and Institutes. *Vide* § 1
 “ *Rhetor*. 10 and 13. This is the very Law which
 “ *Juvenal* speaks of in his 15th Satyr.

*Sensum a cœlesti demissum traximus arce,
 Cujus egent prona & terram spectantia. Mundi
 Principio indulsit communis conditor illis
 Tantum animas, nobis animum quoque ; mutuus ut nos
 Affectus petere auxilium, & præstare juberet.*

“ A social Sense of Good and Evil was by Heaven
 “ interwoven with our Make : This the Brute Crea-
 “ tion are not bless’d with. To these our common
 “ Parent has only given animal Life, but to Man a ra-
 “ tional Soul and social Affections, nobly prompting
 “ him to the glorious Intercourses of Friendship and
 “ Humanity.

Demosthenes likewise speaks to this Purpose : “ If
 “ all these Things shall be confirmed not only by the
 “ Laws of the Land, but by the Guide of human Ac-
 “ tions.”

Cicero, in his Book *de Officiis*, speaks thus : “ There
 “ is originally planted in every Species of Animals a

Explanatory NOTES.

“ Desire of preserving Life, and of shunning such
 “ Things as either appear destructive of it, or hurtful
 “ to it.”

Gellius, Book 12, Chap. 5. introduces the Philosopher *Taurus* speaking thus: “ The Author of Nature,
 “ whose Offspring we all are, has so effectually
 “ wrought the Principle of Self-Love and Preservation
 “ into our Make and Constitution, that nothing can be
 “ dearer to us, nothing more highly valued by us than
 “ ourselves.”

Ibid. Line 15. *Those very Guards.*] It is very doubtful whether *Cicero* here means the Guards that were attending upon the Trial, or the Train of Attendants that the *Romans* used to travel with. The Original is *Quid Comitatus Nostri, Quid Gladii Volunt?* I have translated it in the former Sense, as being more oratorical, and proper to make a deeper Impression upon the Minds of the Judges, since we may suppose that he pointed to the Guards while he spoke: Besides, the whole of this Oration contains many home delicate Strokes upon *Pompey*; and the very Insinuation convey'd here, as I have translated it, could not but have a very deep Effect upon the Audience; for he artfully avoids calling them Guards, and calls them Attendants.

Page 9, Line 3. *The Sword of Violence.*] This is likewise a very judicious and equitable Distinction: The Law, says our Author, does not regard the Instrument or the Event of a Fray, be it murderous; but the Intention and Design with which it began. If, for instance, a Man who travels shall kill with a Weapon another; the Point of Enquiry in the Trial must be, not whether the Person so killing had a Weapon; but whether he wore that Weapon with a murderous Intention, or if he set out with such Intention. If he can prove that he employ'd his Weapon to defend himself, his wearing it was lawful; it was his wearing it with a murderous Intention that rendered it criminal: But no Action in consequence of the Principle of Self-Defence can be murderous. This is the great Strength of our Author's Pleading.

Ibid. Line 28. *An Act of Treason.*] The Senate had two Ways of disapproving of any Thing; First, when

Explanatory NOTES.

it pronounc'd the Fact itself detrimental to the Republic: Or, secondly, when it pronounced the Person who did the Thing among the Number of the Enemies. The former Sentence was conceiv'd in more mild and gentle Terms than the latter; but there was in reality no great Difference between them. It is plain, *Cicero* could not deny that there were two Decrees of the Senate relating to the Case of *Milo*: The one, *That this Murder was committed to the Detriment of the Commonwealth*; the other, *That Pompey should see that the Commonwealth should sustain no Damage*. By the former of which he was judg'd an Enemy who acted against the Republic: By the latter, *Pompey* was vested with a Power of raising an Army, waging War, exercising a coercive Power both over Citizens and Allies; and exercising a sovereign Authority both in the State and in the Army. These Decrees of the Senate undoubtedly bore so hard upon *Milo's* Cause, that he in a manner seem'd already condemn'd by the Senate. For this Reason *Cicero* endeavours to mitigate the former Decree of the Senate, and denies that ever it was the Intention of that Body to condemn the Conduct of *Milo* in this particular Case. Nay, by a Rhetorical Inversion, he maintains, that the Murder was approv'd of by the Sentence of the Senate; for the Adversaries reason'd from an equivocal Topic, because there was a great Difference betwixt these two Questions, viz. *Whether the Murder of Clodius was an Act against the Republic?* And this other, viz. *Whether it was an Act against the Republic thro' the Intention or Fault of Milo?*

Page 10, Line 9. *Dark Cabals.*] The Expression here is *intermortuæ conciones*, which may be translated either as I have render'd it, or *insipid Harangues*.

Ibid, Line 12. *In compliance with my Direction.*] He said that I was so very powerful in the Senate, that not one of the Senators durst so much as mutter against me; and this he did with a Design to stir up the Envy of my Fellow-Citizens against me, and to represent me as sharing a more extensive Power than any Member of a free Commonwealth ought to do.

Ibid. Line 14. *Choose to call it Power.*] Tho' in this Passage there is no glaring Pomp of Words,
yet

Explanatory NOTES.

yet the Reader of Taste cannot fail to be struck and charm'd with the Art and Address of the Orator. *Cicero* well enough knew, that the Word *Power* sounded harsh in *Roman* Ears : And that the Man who was thought to possess it, stood a fairer Chance to be the Butt of Envy, than the Object of Love. He therefore, in a most popular, but at the same time a most beautiful Manner, sinks (if I may so speak) as much of his Power as he possibly can, or rather disclaims it altogether ; but does not forget to point at those Toils and Watchings, those Labours and Fatigues, that were the Steps by which he rose to it. “ It can’t
“ be said, says he, that I possess any Share of Power ;
“ some Authority indeed I have ; and that too is but
“ moderate, since it only enables me to protect the
“ Innocent, but not to elude the Force of the Law,
“ by screening the Guilty from the Lash of Justice :
“ But since you will call it Power, let me not refuse
“ the Name ; provided, by the Thing itself I can
“ succour the Distress’d, and be extensively useful to
“ my Fellow-Creatures”. *Cicero*, in his second Book
de Oratore, shews how an Orator who is possess’d with
Power ought to prevent, or at least mitigate and soften,
the Envy arising to him from that Circumstance.
“ For stifling, says he, the Workings of Envy towards
“ the Man of Power, he must recount the Toils and
“ Dangers which procur’d it. He must protest, that
“ if he has reap’d any Glory (which, by the bye, is no
“ more than the just Reward of him, who, for his
“ Country’s Cause, has not declin’d the greatest Dan-
“ gers) he is yet so far from being sooth’d or charm’d
“ with it, that he looks down upon it with Disdain ;
“ and chearfully renounces all Pretensions to it. And
“ because the Number of the Envious is great, Envy
“ itself an epidemical Vice, and Power, of all other
“ things, the most apt to excite it ; he is therefore
“ to make it his chief Study to lessen the Opinion of
“ his Grandeur ; and manage Matters so, as that the
“ Ideas of his Power and Prosperity may, in the Minds
“ of the Audience, be blended and mixt with those of
“ the Toils and Dangers thro’ which he struggl’d
“ to it.” How closely does *Cicero*, in this Passage,
follows

Explanatory NOTES.

follow the Rules he had formerly laid down with so much Accuracy and Judgment.

Ibid. Line 24. *But this extraordinary Tryal.*] By the *Quæstio* the Romans meant that kind of public Tryal in which the respective Prætor presided; under whose Cognizance any particular Crime came, as that of Adultery for Instance. The *Cognitio*, on the other hand, was an extraordinary Tryal, when either the Crime was so atrocious as to deserve an extraordinary Punishment, or such as had no particular Law against it. Before the Courts for Tryals of this Nature were by *Sylla* render'd perpetual, the Persons who were to judge in these Crimes were chosen by the Senate: But after they became perpetual, any Prætor took Cognizance of a Crime, provided it came within the Verge of his particular Office. For this Reason *Cicero* complains that this Tryal for the Murder of *Clodius* (which belonging properly to the ordinary Law ought to have come before the Prætor, who was to try Murder or Bloodshed during that Year;) was converted into an extraordinary Tryal by the Senate's appointing a Judge.

Page 11, Line 1. *Issue out, &c.*] This Reasoning is from a Parity of Circumstances: As by the Intercessions of *Quintus Lucius Calenus*, the Tribune of the People, the Senate was depriv'd of a Power of appointing a new Tryal with regard to the Incest of *Clodius*; who can believe that they should think of appointing an extraordinary one on Account of his Murder? For when by a Decree of the Senate it was appointed that the People should institute Judges, in the Affair of *Clodius's* Incest, *Lucius Fufius Calenus*, a Tribune of the People, and an inveterate Enemy to *Cicero*, oppos'd it; which when *Hortensius* saw (tho' he had before stood up strongly for it) he tamely agreed to this, that *Lucius Fufius* should make a Motion to the People for *Clodius* being try'd in common Form for Sacrilege.

Ibid. Line 5. *Incestuous Rape.*] *Clodius* was accus'd of having committed this incestuous Rape in *Cæsar's* own House, upon his Wife *Pompeia*. That the Reader may not be at a Loss for the Reason of its being call'd incestuous, I must inform him, that the Romans stil'd a Rape incestuous

Explanatory NOTES

tuous, not only when it was committed upon a Person's own Kinswoman, but also upon any of the vestal Virgins, or any Woman immediately employ'd in performing the Rites or Ceremonies of any of their Gods. See *Isidorus*, Book 10, *Orig.* Thus, tho' *Pompeia* was neither a Vestal, nor the Kinswoman of *Clodius*, yet the Rape committed on her is said to be incestuous, because she was at that very Time performing the Service of the Goddess *Bona*; on which Occasion the Women were wont not only to abstain from touching Men, but even to banish them from the House in which the Rites were to be perform'd. Nay, they were so superstitiously rigid in this Particular, that they veil'd the Faces of all the Male Animals they had Occasion to see.

Ibid. Line 25. *Appian Way.* *Cicero* here artfully insinuates, that tho' the Senate had found the Fray upon the *Appian Way*, to be an Act of Treason against the Commonwealth; yet that *Milo* could never be affected by that Decree, because, says he, it was the Violence that constituted the Treason. Now, *Clodius*, the Aggressor, was the Author of the Violence, and not *Milo*, to whom the Principles of Self-Defence, without any regard to the Consequences, gave a Right to preserve his own Life. The Reader may here perceive, that had *Milo* been try'd upon this general Decree of the Senate, which comprehended three Facts, he must have been acquitted, and his Adversaries condemn'd; because two of these Facts, which were the Burning of the Courts, could have easily been fixed upon his Adversaries. These last were aware of this, and therefore had the Precaution to order it so, as that a special Tryal might be appointed for the Murder of *Clodius*, which having no relation to the two posterior Facts, depriv'd *Milo* of all the Advantages he could take, by fixing the greatest Part of the Guilt, to which the Decree had a Reference, upon the Prosecutors themselves. See *Asconius's* Argument.

Page 12, Line 9. *The Vote.* The Vote was divided: When any of the Senators approved any one Part of a Bill, but disliked any other Clause of it, he desired that the Question might be divided; to the end, that neither the Whole of it might be rejected, nor every Part enacted.

Ibid.

Explanatory NOTES.

Ibid. Line 14. *Into the Death of Africanus.*] Here *Cicero* again endeavours to make it doubtful whether the Decree of the Senate had an Eye to the Attack of *Clodius*, or to the Bloodshed committed by *Milo*.

Page 13, Line 3. *A new Commission for a Tryal.*] This is one of the most artful Strokes ever introduc'd into any Pleading: *Cicero* was well aware that *Pompey* was no Friend to *Milo*; and that it was entirely owing to him that this new Tryal was appointed. He was likewise sensible, that *Pompey's* Authority was so great, as to render it almost impossible for him to carry his Point, should he flatly accuse him of Partiality: Therefore, by a very unusual Address, he finds Means to insinuate that *Pompey* was really *Milo's* Friend: This he does by insinuating, in the first Place, as if *Pompey* had known that if *Milo* should be admitted to prove his Plea of Self-Defence, he could easily do it, and must therefore be acquitted. In the next Place, that *Pompey* had found Means to raise such Men to the Bench on that Occasion, as were *Milo's* Friends. And lastly, as if all he had done seemingly severe against *Milo* had been owing to the Necessity of the Juncture, and a Regard to his own Character.

Ibid. *A saving as well as condemning Letter.*] The Letter (A) is by *Cicero* stiled a lucky Letter; because when the Judges put it into a certain Urn, designed for that Purpose, they thereby acquitted the Criminal, and pronounc'd him innocent; as the Letter (C) is on the other hand stiled an unlucky, or inauspicious Letter; because the Judges by putting it into the Urn, condemned the Party at the Bar.

Ibid. Line 20. *Marcus Livius Drusus* (who by *Velleius*, in his second Book, is stiled a Man most brave, most eloquent, and powerful; and who, according to *Plutarch*, was a leading Man in the Senate) when he saw the whole Senate groaning under the seditious Laws of *Tiberius Gracchus*, he conceiv'd a Design of restoring it to its former Dignity, and recovering its wonted Authority, which was now lodg'd in the Equestrian Order. The better to carry on his Design, he pretended to be in the Interests of the People; and promis'd to bestow the Liberty of the City upon all the *Latins*; which

Explanatory NOTES.

which when he delay'd to do, they in a very sharp Manner demanded that he would stand to his Promise. At length, when the People understood that he had so play'd the Hypocrite with them, an unknown Party of them slew him in his own House.

Page 14, Line 3. *Africanus in the Night-time.*] *Publius Africanus Minor* opposing the Triumviri, *Gaius Gracchus*, *Lucius Fulvius*, and *Cneius Carbo*, for making an Attempt to divide the Lands, was found dead in his Chamber in the Morning, tho' the Day before he had return'd from the Senate. There was no Search made who were his Murtherers.

Ibid. Line 15. *Equally heinous.*] *Cicero*, if not a profess'd Stoic, was yet at least a great Admirer of the Notions of that Sect, for one of which he here argues, viz. "That all Crimes are equally black
" in their own Natures; and that the Morality of
" Actions is rather to be esteemed from the Motives
" of the Agent, than from their good or bad Effects
" upon Society.

Page 15, Line 6. *Kill'd Marcus Papirius.*] The Son of *Tigranes* was kept at *Rome* by one *Valerius*, a Roman Knight. At a Feast *Clodius* ask'd his Liberty. *Flavius*, knock'd off his Chains, and put him on board a Vessel for his native Country; but he was driven back by a Tempest. When this Youth was committed by *Sextus Clodius*, to be deliver'd to *Pompey*, who re-demanded him, *Flavius* marched forth with a Design to rescue him, and a Skirmish ensued about four Miles from the Town; in which *Papirius*, a Roman Knight, lost his Life.

Ibid. Line 20. *The Temple of Castor.*] The Temple of *Castor* was contiguous to the Forum and the Senate-house.

Page 18, Line 18. *Lucius Domitius.*] *Cneius Manlius* seditiously enacted a Law, that the Freed-men of every Tribe should be vested with a Power of voting: And when he had forcibly taken Possession of the Capitol, he was driven from it by *Cneius Domitius*, the Prætor, and many of his Followers slain.

Page 19, Line 30. *Lucius Paulus.*] *Lucius Paulus*, says *Cicero* against *Vatinius*, was a Man design'd by Nature for supporting and defending the Commonwealth.

Clodius

Explanatory NOTES.

Clodius refus'd him as his Collegue, upon the Account of his spotless Honour and untainted Character.

Page 20, Line 15. *Candidates who oppos'd Min.*] When *Milo* stood Candidate for the Consulate, he had for Competitors *Publius Plautius Hypsæus*, and *Quintus Metellus Scipio*, who were not only profuse in their Largesses, but also back'd with Factions of armed Men.

Page 20, Line 20. *He summon'd the Tribes.*] At first the whole Body of the *Roman* People was divided into three Parts, and upon that Account call'd Tribes: But the People afterwards growing numerous, they were divided into thirty five; but still retained their old Names of Tribes. Every one of these thirty five Tribes had its respective Ward allotted for it; which, like a Hedge, prov'd a Boundary, as it were, betwixt it and the rest of the Tribes, during the Season of the *Comitia*.

Ibid. *Clodius* promis'd to transplant a Colony, provided he obtain'd the Prætorship. This he did with a View to bring the Poor over to his Interest, and procure their Voices.

Page 21, Line 5. *Brought from the Apennine.*] It was customary for those of the *Romans* who were rich to keep a great Number of Servants, upon their Country Farms; some of them wou'd keep to the Number of 10,000 of them.

Ibid. Line 6. *Barbarous Slaves.*] All Foreigners were by the *Romans* call'd Barbarians, either because they spoke a Language different from their own, or because they had an unpolite and uncourtly Turn in their Behaviour.

Ibid. The *Apennine* Mountains are about six hundred Miles in Length, and divide *Italy* into two Parts.

Ibid. Line 12. *When Favonius.*] *Favonius* was a Man much caref'd by *Cato*, and a thorough Admirer of his Constancy and his Principles.

Ibid. Line 25. *To be at Lanuvium.*] *Lanuvium* is a free Borough, about twelve Miles distant from *Rome*, and is by *Appian* said to be built by *Diomedes*, upon his landing in *Italy* after the Siege of *Troy*. In it is the famous Temple of *Juno*, the Goddess of Health;

officiis

Explanatory Notes

officiate in which Temple a Priest was yearly appointed by the Dictator.

Page 22, Line 2. *A tumultuous Meeting.*] The same Day on which Clodius was kill'd, Cato Scipianus and Quintus Pompeius, Tribunes of the People, both inveterate Enemies to Milo, made Speeches tending to sow the Seeds of Mutiny and Faction in the Minds of the People, but especially Pompeius.

Ibid. Line 20. *His Grecian Attendants.*] The richer Sort of the Romans, when they travell'd, were for the most part accompany'd with some Grecians, who were either Musicians for their Diversion, or Philosophers for their Improvement and Instruction.

Ibid. Line 21. *Clodius had for his Wife one Fulvia,* who was afterwards married to Antonius: She bore Cicero such an implacable Hatred, that after his Death she spit upon his Head, and thrust a Bodkin through his Tongue.

Ibid. Line 24. *Without his Wife.*] Milo had for his Wife, Fausta, the Daughter of Sylla the Dictator.

Ibid. Line 30. *An Hour before Sunset.*] The Romans reckoned twelve Hours from the rising to the setting of the Sun; which Hours were longer or shorter according to the Length or Shortness of the Days. And as this Engagement happen'd on the 20th Day of January, their 7th Hour will correspond to our half an Hour after three in the Afternoon.

Page 25, Line 19. *Cassius therefore.*] Cassius, says Asconius, was a Man of uncommon Severity; and always, when he was Examiner in any Case of Murder, he not only exhorted, but commanded the Judges that they should enquire what Prospect of Advantage could arise to the Murtherer from the Fact. Valerius Maximus, Lib 3, Cap. 7, reports, that his Tribunal, upon account of his unreasonable Severity, was commonly call'd the Rock on which the Guilty split.

Page 26, Line 19. *Sextus Clodius.*] This Sextus Clodius was a Kinsman of Clodius, and is by Cicero often call'd his Amanuensis. Asconius says, that he brought the Body of Clodius into the Senate-house.

Ibid. *Another Palladium.*] The Palladium was a wooden Image of Pallas, which the Trojans imagin'd had fallen from Heaven into an uncover'd Temple: Upon

Explanatory NOTES:

Upon consulting the Oracle, they were told that *Troy* should be safe so long as it remain'd there. Some think that *Diomedes*, others that *Ulysses* carried it off; however the Matter be, certain it is, that it was lodg'd in the Temple of *Vesta*, and rescu'd from the Flames of that Edifice by *Metellus* the High Priest.

Page 27, Line 10. *Pageantry, Pomp, and Praise.*] *Pliny* tells us, that the Halls of the Great Men, amongst the *Romans*, were adorn'd with the Images of their deceased Friends, done in Wax; and that when any of the Family was to be buried, these Images were to be carried along in Procession with the Corps.

Ibid. Line 10. When any one of a noble and illustrious Family died, one of the Friends was pitched upon to praise the Deceased Person: Hence Funeral Orations drew their Origin.

Ibid. Line 11. *Unhallow'd Wood.*] *Pedianus* says, that when *Sextus Clodius* was Commander, the People brought the Body of *Publius Clodius* into the Senate-house, and burnt it with the Desks, the Judgment-Seats, the Tables, and the Books; by which Fire the Senate-house was set on fire, and the *Porcia Basilica*, which was contiguous to it, was burnt down. But at the Funerals of Great Men Amomum and Balsam were us'd.

Page 29, Line 5. *Plotian Law.*] The *Plotian Law* was a Law enacted by *Marcus Plotius Sulpicius*, the Tribune of the People, enjoining a Court to sit upon those who committed public Outrages by the Assistance of armed Men.

Ibid. Line 16. *Melancholy Adieu.*] When *Cicero* lost the Plea in agitation between him and *Clodius*, he cloath'd himself in a mean Garb, and made his Address to the People: *Clodius*, to prevent his Applications of this Kind, followed him thro' all the Streets, attended with a Crowd of foul-mouth'd Fellows, who not only insolently upbraided *Cicero* with his having chang'd his Dress, but likewise threw Stones at him, and bespatter'd him with Dirt.

Ibid. Many of *Cicero*'s Friends advis'd him, before he went into Banishment, to try his Fate in Arms against *Clodius*; but having the Welfare and Happiness of his Fellow Citizens much at Heart, he gloriously resolv'd

U

rather

Explanatory NOTES.

rather to banish himself than expose them to Danger..

Page 30, Line 6. Q. Hortensius.] When *Cicero* had the Sentence pass'd upon him by *Clodius*, the Senate and People of *Rome* inclined to order him to wear a mean and plain Dress; but the Consuls *Piso* and *Gabinus* vigorously oppos'd this Motion. *Clodius* strutted about the Senate-house, attended by his Guards, and dress'd in his military Robes; some Senators sallied forth from the House, and tearing their Cloaths, a kind of Tumult ensued, in which *Hortensius* was wounded by the Soldiers.

Ibid. Line 14. Catiline.] *Clodius* was firmly attach'd to the Interests of *Catiline*.

Ibid. Line 18. Pompey.] *Clodius* had appointed a Cut-throat to lie in Ambuscade for the Life of *Pompey*.

Ibid. Line 24. Palæe.] *Via Sæva* was a Street in *Rome*, so call'd from the Sacrifices in it, offer'd up by *Tullus* and *Romulus*. It began where the Church of St. *Clement* and the Amphitheatre of *Vespasian* now stand; and going to the Foot of the *Palatine Mount*, it ended near the Capitol, or at that Place which has since been call'd the Arch of *Septimius Severus*. It was the most noted Street in all *Rome*; in it stood the *Regia*, or King's House.

Page 31, Line 9. P. Sextius.] *Sextius* was a Tribune of the People, and the Favourers of *Clodius* having assembled, made an Attack upon him, because he had given his Vote for *Cicero's* Return.

Ibid. Line 12. Q. Fabricius.] *Quintus Fabricius* was also a Tribune of the People along with *Sextius*, and treated by the *Clodians* in the same Manner, for attempting to get a Law pass'd for *Cicero's* Return.

Ibid. Line 26. P. Lentulus.] *Publius Lentulus Sпинther*, who was a great Friend to *Cicero*, call'd him home under his Consulate.

Page 32, Line 4. Pompey.] *Pompey*, *Marcus Crassus*, and *Julius Cæsar*, all envy'd the superior Glory *Cicero* had acquir'd by putting an End to the Conspiracy of *Catiline*; for which Reason *Pompey* suffer'd him to be banish'd by *Clodius*, when he might easily have prevented it. But when *Pompey* understood that the Senators, and all the

Explanatory NOTES.

the Roman Knights were angry at him for neglecting to succour a Man, to whom both they and he had been so much oblig'd; and when he saw that the same Danger threatned him from *Clodius*, he made a Motion to the Senate to recal *Cicero*, (tho' the *Clodian* Law had expressly forbidden any Prætor, Tribune, or any Person whatever to do so) and made mention of his Character with the greatest Reverence and Honour.

Ibid. Line 10. *Capua*.] The Inhabitants of *Capua* made a Decree for the recalling of *Cicero*; upon which Ambassadors came from all the Quarters of *Italy* to *Pompey*, whom he order'd to repair to *Rome*, and beg that Favour of the Senate.

Ibid. Line 25. *Milo*.] When *Pompey* began to speak in favour of *Milo*, the Abettors of *Clodius* rais'd a terrible Clamour, which lasted all the Time he was speaking: Not content with drowning his Voice, by the Loudness of their Cries, they went further, and loaded him with Reproaches and the most abusive Language. This neither frighted the brave *Pompey*, nor made him give over speaking; for he spoke in *Milo's* Favour for six Hours without Intermision.

Page 33, Line 2. *Antony*.] *Marcus Antonius* pursued *Clodius* with a Design to kill him, which he had in reality done, had not *Clodius* taken Shelter in a Bookseller's Shop, and by shutting the Door after him prevented his Design. This was the same *Antonius* who afterwards waged a Civil War with *Augustus*. He was at first a great Friend to *Cicero*, but afterward became his mortal Enemy, and at last prov'd the Author of his Death.

Page 34, Line 24. *Candidate &c.*] Those who sought the Magistracy, in *Rome*, were dress'd in White Robes, in order to distinguish them from other People; hence they were stiled Candidates, from a *Latin* Word signifying white.

Page 35, Line 10. *Statues, &c.*] When *Clodius* was accus'd of Sacrilege, for having stolen, by the Help of Women's Apparel, into the Apartment where the Sacrifices of *Diana* were performing, he brib'd the Judges; and *Milo* insisting upon his standing a Tryal, he refus'd to submit to the Authority of the Court.

Explanatory NOTES.

Ibid. The *Roman* Laws expressly discharg'd any Man from being present at these Sacrifices, which the *Roman* Matrons performed in Honour of *Diana*.

Page 36, Line 27. *Lanuvium*.] *Titus Patinas* resided in *Lanuvium*, and was an intimate Acquaintance of *Clodius*: From him *Clodius* might learn that *Milo* was to come to *Lanuvium*.

Page 37, Line 7. *Arrius*.] *Arrius* was an intimate Friend of *Cicero's*, whose splendid Entertainments he mentions in his Oration against *Vatinius*.

Ibid. Line 12. *Interamni* was a City of *Umbria*, and was so called because it stood between two Rivers: 'Tis by the Moderns called *Terni*.

Ibid. Line 14. *Alba*.] *Alba* was so called from *Ascanius* having found a white Sow, when he was building it.

Page 38, Line 8. *Cyrus*.] This *Cyrus* the Architect we have no Account of in History, but *Cicero* makes mention of him in his Letters to his Brother *Quintus*, and to *Atticus*.

Ibid. Line 24. *Will*.] At the Drawing-up of Testaments it was required, that seven Witnesses should be present; then the Heirs signed and sealed the Testament. One would be apt to think from this Passage of *Cicero*, that an Heir might likewise be a Witness in this Case.

Page 39, Line 20. *Robbers*.] Upon the Way of *Appius*, who was one of *Clodius's* Ancestors, stood the Tomb of one *Basilus*, a very rich Man; and this Place had become famous for the many Murders committed at it.

Page 40, Line 5. *Clodius* had often appear'd in Arms, to banish the *Etrurians* from their Possessions.

Ibid. *Etruria* lies upon the *Tuscan* Sea, and reaches to the Banks of the *Tyber*.

Ibid. Line 9. *Aricia* is a Town of *Latium*, on the *Appian* Way.

Page 42, Line 24. *Albium* is a Town at the Mouth of the *Tiber*.

Page 43, Line 8. *Thus can, &c.*] Here *Cicero* mentions the Conspiracy of *Catiline*, when the Conspirators form'd a Camp in *Tuscany*, with a View

Explanatory NOTES.

to draw down the Odium of the Judges upon *Clodius*, who was once engaged in it. *Asconius* tells us, that *Clodius*, out of Fear of *Cicero* when Consul, inclin'd to join the Camp of *Catiline*, which then lay at *Fesulæ* in *Tuscany*, but that after he had set out he repent-ed, and return'd to *Rome*.

Page 44, Line 20. *Liberty*.] The Ceremony of Manumission was by the *Romans* performed in this Manner: The Master holding the Servant by the Head, and sometimes by some other Member of the Body, pronounc'd these Words, *I will that this Man be free*; then he let go his Hold, and the Servant was from that Time called Manumitted or a Freed-man.

Page 45, Line 1. *Rack*.] *Equileus* in the Original was a kind of racking Engine, in the Form of a Horse; us'd by the *Romans* for extorting the Truth from their Servants, or from Malefactors,

Page 46, Line 3. *Rack*.] According to the *Roman* Law, manumitted Servants could not be interrogated upon the Rack.—*Appius Clodius*, Son of *Caius Clodius*, Brother of *Publius Clodius*, demanded that his Uncle's Servants should be interrogated in that Manner.

Ibid. Line 10. *Porch*.] Hard by the Temples were Halls, where the Courts often sat, and the Senate was kept, because it was reckon'd unlawful for it to meet in any other than in an holy Place.

Ibid. The antient *Romans* worship'd *Liberty* as a Goddess, as *Cicero* informs us in his second Book on the Nature of the Gods: To this Goddess *Sempronius Gracchus* (the Founder of the *Gracchian* Race) caus'd a Temple to be erected out of the Money rais'd by Fines.

Page 47, Line 6. *Rufeo* and *Casca*, the Names of two Servants.

Page 48, Line 7. *Exile*.] The *Roman* People sometimes pass'd Sentence themselves, as may be seen in the Case of *Rabirius*, found guilty of High-Treason. The Senate judg'd in Cases of a more atrocious Nature, as in the Case of those who followed *Catiline*. And lastly, the Consuls were vested with an executive Power, when by a Decree of the Senate they were

Explanatory NOTES.

commanded by an Order of the Senate to take Care that the Republic should suffer no Injury.

Ibid. Line 10. *Man.*] *Cicero* here means *Pompey*, to whom the Senate gave an unlimited Commission to see that the Republic should receive no Damage, either from the Power of *Mila*, or from the Factions of the *Clodian* Party.

Page 50, Line 11. *Darts.*] The *Darts* or *Pila* of the *Romans* were only us'd by the Infantry. There were two Sorts of them; the one was seven Feet and an Half long, and the Iron of it weigh'd nine Ounces; the other was only three Feet and an Half long, and its Weight proportionable.

Ibid. Line 12. *Alley.*] There were in the City of *Rome*, according to *Varro*, three Kinds of Streets: 1st. The *Vici*: 2d. The *Fundulae*: And 3d. The *Angiportae*. The *Vici* were the chief Streets, open at both Ends: The *Fundulae* were like our Courts, and had no Thoroughfare: The *Angiportae* were Lanes, so narrow that they only admitted People to walk in them; Wag-gons and Carriages of all kinds being too large to enter them.

Ibid. Line 18. *Hand-granadoes, &c.*] In the Original *Maleoli*, according to *Nonius*, were small Bundles of Broom, cover'd over with Pitch; which being kindled, were thrown on the Walls or the Roofs of the Houses.

Ibid. Line 29. *Priest.*] *Papa* was a Priest, or Butcher, who slew the Sacrifices, and offer'd them up when slain. His Duty likewise was to purify Houses in which any Persons had died: For the *Romans* believ'd that by the Death of one the whole Family was polluted.

Page 52, Line 25. *Troops.*] Cohorts were placed in the Capitol for the Safety and Defence of the Town, when there was a Prospect of Sedition.

Page 56, Line 9. *Gracchus.*] *Tiberius Gracchus* depriv'd *Octavius*, his Colleague, of the Magistracy, for opposing him when he mov'd that the *Agrarian* Law should be pass'd. When none of the Consuls nor Tribunes withstood this Motion, *Scipio Nasica*, who was deem'd the gravest of them all, rush'd into the Assembly and slew *Tiberius Gracchus*.

Ibid.

Explanatory NOTES.

Ibid. Line 17. *Recesses*.] In the most retired and sacred Places of the Temples were Pallets or little Beds for the Images of the Gods to rest upon.

Ibid. Line 19. *Lucullus*.] *Lucullus* being summon'd as an Evidence with regard to the Life of *Clodius*, said, that he had extorted a Confession from his Maid-servants, that *Clodius* had committed Incest with his Sister, to one of whom *Lucullus* himself was marry'd.

Ibid. Line 25. *Kingdoms*.] *Clodius* enacted a Law, that the Isle of *Cyprus* should be reduced into the Form of a Province; and that *Ptolemy* King of *Cyprus*, cloath'd in his purple Robes, his Scepter in his Hand, and deck'd with all the other Ensigns of Royalty, should be expos'd to public View, and his Effects confiscated: And likewise, that *Marcus Cato*, vested with the Power of a Prætor, should be sent and a Quæstor along with him, to the Isle of *Cyprus*, in order to dispose of the King's Effects, and bring the Money arising from them home with him.

Page 57, Line 6. *Nymphs*.] A Temple was erected at *Rome* to the Nymphs presiding over Fountains, that so they might prove propitious in preventing Burnings; which Temple was set on fire by *Clodius*.

Ibid. Line 8. *Censors*.] The Censors us'd every five Years to take an Account of the several Tribes, and to make up a Register, in which the Crimes of all the Citizens were mark'd: And as *Clodius* knew that his enormous Crimes were recorded in the public Acts, he burnt the Temple in which they were kept, that so the Remembrance of his wicked Deeds might be forgot.

Ibid. Line 18. *Varrius*.] Some Copyers here have *C. Pompeius*; but there is no doubt but he must have been a different Person from *Pompey* the Great, who could not possibly be Judge in this Cause, because he was at that time Consul: Possibly *Quintus Pompeius* is meant, to whom (tho' he was *Milo's* Enemy) he appeals, in order to gain him over to his Interest.

Ibid. Line 24. *Janiculum* was formerly a Town on
U 4 this

Explanatory NOTES.

this Side of the *Tiber* : So called because built by *Janus*, the most antient God of *Italy*, when he divided all *Italy* with *Saturnus*, who built another Town, on the other Side of the *Tiber*, from him, its Founder, call'd *Saturnia*. *Virg. Æn. Lib. 1.* But here *Cicero* inclines to insinuate, that he had a mind to make himself Master of all the Territories between *Rome* and *Gaul*.

Ibid. The *Alps* were a Ridge of large and almost inaccessible Mountains, seperating *Italy* from *Gaul*.

Ibid. Line 28. The Lake call'd the *Pretian Lake*, is between *Rome* and *Viterbium*. It is in some Copies call'd the *Pretian Lake*.

Page 57, Line 28. There were in *Italy* three Lakes ; 1st. the *Lacus Nemorensis*, so called from its being contiguous to a Grove or Forrest, 2d. The *Lacus Furtuna*, near the River *Fumicius*, and so term'd from *Futurna* the Daughter of *Daunus*, and Sister of *Turnus* the *Rutillian*, whom *Jupiter*, as a Reward of her Virtue, chang'd into a Nymph of that River. 3d. The *Lacus Albanus*, the most considerable of the three, and taking its Name from the City of *Alba*, near which it lay.

Page 58, Line 9. *Furfanus* was an Acquaintance of *Cicero's*, to whom, when Orator, *Cicero* wrote, as appears from the 6th Book of his Epist. *ad fam.*

Ibid. Line 14. *Body.*] *Clodius* threatned to bring into *Furfanus's* House a dead Body, that so he might be thought guilty of having committed the Murder in his own House ; or perhaps he intended to make him thereby lose the Right and Property of his House ; because, by a dead Body's being brought into any House, it became sacred ; and the Proprietor was oblig'd to quit all his Title to it. See *Cajus* in *Pandect.* tit. *de locis religiosis*.

Ibid. Line 17. *Court-yard.*] In the Original *Vestibulum*, a Plot of Ground before the Door of any House, through which an Avenue led to the House itself.

Page 59, Line 4. *Kings.*] In the Original *Tetrarchs*, a sort of Princes reigning over only a fourth Part of the Kingdom.

Page 64, Line 29. In the Original it is *Fortuna* ;
and

Explanatory NOTES.

and *Plutarch* observes, that the Beginning and Increase of the *Roman* Empire were both owing to Fortune ; and that upon that Account the *Romans* erected many Temples to her.

Page 66, Line 17. *Alban Mount.*] The *Tumuli Albani* were little Hills or rising Spots of Ground, on which Altars were erected to certain Deities ; or they were the Sepulchres and Monuments of the Inhabitants of *Alba*, who had been buried there before the Building of the City.

Ibid. Line 20. *Rites.*] The Rites here spoke of were common to all the People of *Latium*, with the *Romans* ; and were at first instituted by *Tarquinius Superbus* : They were yearly performed by the forty-seven Cities of *Italy*, who met with the People of *Rome* on the *Alban Mount*, to sacrifice a Bullock to *Jupiter Latialis*, of which the People of every one of these Cities took a Part. *Dion. Halycar.* Lib. 14, Chap. 16.

Page 67, Line 22. *Hymns.*] Musical Instruments and singing were by the *Romans* us'd at Funerals, which Custom was adopted by the *Jews*..

Ibid. Line 23. *Shews.*] The Gladiatorial Shews were exhibited at the Funerals of great Men that so their Manes might be appeas'd by Blood.

Ibid. Line 24. *Sadnefs.*] In *Rome*, whilst the dead Body was burning, there was a Woman hir'd to mourn, to whose Voice the rest of the Company conform'd theirs.

Page 68, Line 14. *Tribune.*] *Clodius*, when Tribune, had, contrary to the Authority of the Senate, decreed Provinces to *Gabinus* and *Piso*, that he might the more effectually accomplish the Ruin of *Cicero*.

Ibid. Line 18. *Rescinded.*] *Clodius* repeal'd all the Acts of the Senate, when he was plotting *Cicero's* Banishment, for killing *Lentulus* and *Cethegus*, and those others who were engag'd in the Conspiracy of *Catiline* ; even altho' that Action of *Cicero's* was done by the Orders, and honour'd with the Approbation of the Senate and People of *Rome*.

Page 69, Line 1. *Slaves.*] *Clodius* intended, if he got himself made Prætor, to enact a Law, granting a Power of

Explanatory NOTES.

of voting to all the Freed-men in the several Tribes of the City. This Law could not fail to prove highly detrimental to the Republic; for it put into the Hands of the Tribunes of the People an Opportunity of procuring Votes by Bribes, and fomenting Seditions against the Senators and Nobles. This Law, with some others, *Clodius* had engrav'd on a Plate of Brass, as was usual in those Days.

Ibid. Line 27. *Consuls.*] *Clodius* wished that *Hypseus* and *Scipio* might be created Consuls.

Page 70, Line 28. *Nations.*] Foreign Kings and People fled to the Roman Senate, as to a sure and certain Refuge; and appeal'd to them, as the Arbitrators of all their Differences.

Page 71, Line 27. *Scythes.*] The *Falces* of the Romans were Instruments of War, crooked like a Reaper's Hook, and us'd upon two Occasions; either in pulling the Stones out of the Walls of a besieged City, or in cutting the Tackling of the Enemies Gallies.

Page 72, Line 1. *Arms.*] As *Clodius* return'd to Rome the same Night on which the Senate-house was set on fire, *Cælius*, the Tribune of the People, having call'd an Assembly of all those who sided with *Milo*, in an Oration mustered up all the atrocious Crimes of *Clodius*; upon which the rest of the Tribunes rush'd into the Forum, with a Body of armed Men, and had kill'd both *Cælius* and *Milo*, unless they had got themselves dress'd like Slaves, and by that Means made their Escapes. They kill'd many of the Citizens, especially those who by their Dress and Apparel seem'd to be People of Note and Distinction. Under a Pretext of seeking after *Milo*, they forc'd their Way into many Houses, and plunder'd them. Thus far *Asconius*, who chuses, instead of *Cælius* to read *Cæcilius*.

Ibid. Line 2. *Cælius.*] This *Cælius*, or *Cæcilius*, vigorously oppos'd a Law which *Cneius Pompeius* made, viz. That in this Process both the Appellant and Defendant should plead in one Day; and that the Appellant should have two, and the Defendant three Hours allow'd him for that Purpose. For, said *Cælius*, this particular Law is enacted with no other View, but to injure *Milo*, and
force

Explanatory NOTES.

force a Verdict from the Judges before they had maturely consider'd the Merits of the Cause. And when he obstinately persisted in shewing that this Law had no Countenance from Equity, no Foundation in Justice, *Pompey* was enrag'd to such a degree, that he said, he himself (if Necessity oblig'd him to it) would take up Arms in Defence of the Republic.

Page 74, Line 2. *Knights.*] *Cicero* has in his View the time at which he was recall'd; at which Juncture *Sex-tius*, then a Tribune of the People, contributed all he could to get him brought home; in which Affair he agreed with the Senate of *Rome*, against which the Tribunes of the People were for the most part exasperated.

Ibid. Line 14. *Knights.*] *Cicero* was first of the Equestrian, but went over from it to the Senatorian Order.

Page 75, Line 6. *Inheritance.*] *Milo* had three Estates; one left him by his Father, another by his Mother, and the third by *Caius Annus*, his Grandfather by the Mother's Side, by whom he was adopted. All the three he spent upon Largeesses, and public Sports, for which he was next Day charg'd with Bribery, and condemn'd when absent. But *Cicero* says, these Largeesses were bestow'd upon the People, by *Milo*, with no other Design but that the Rich might be preserv'd from being robb'd.

Ibid. Line 21. *Cryer.*] Altho' the greatest Part of the Votes were given to one Man, so that none in the *Comitia* could be ignorant who was created Consul, yet a common Cryer was appointed to name him, with an audible Voice, and to extol his Character.

Page 71, Line 3. *Duty.*] So great was *Cicero's* Attachment to *Milo*, that neither the Number of the *Clodians*, nor the Power of *Pompey* (who was enrag'd against *Milo*) could deter him from undertaking his Defence.

Ibid. Line 7. *Cicero* was always assistant to *Milo* in seeking the Consulate, tho' upon that Occasion *Clodius* several times took up Arms against him.

Page 81, Line 17. *The Man.*] He here means *Pompey*, who (tho he had chosen the wisest Men out of all the Tribes for Judges in this Matter) would nevertheless canvass their Sentences, and enquire into the Equity of them. This *Cicero* says with

Explanatory NOTES.

a View to sooth *Pompey*; and, by extolling both his Application and Justice, to gain him over to *Milo's* Interest.



Notes upon the ORATION against CÆCILIUS.

THIS Pleading is call'd *Divinatio*; by which the Romans meant that kind of Trial in which two, or more, were contending among themselves for the Right and Privilege of accusing any one. *Asconius* (a good Authority in Matters of this nature) is of Opinion, that this Species of Trial was called *Divinatio* from its being conversant, not about a past, but a future Event; viz. Which of the contending Parties should, in the Issue, be vested with the Right of accusing. Others think, that this kind of Trial got the Name *Divinatio*, because, upon these Occasions, the Judges not being sworn, were left to guess in their own Minds at the Fates of the several Persons who laid claim to the Right of Accusation. A third Class of Critics and Commentators maintain, that it receiv'd this Name because Witnesses and Registers being laid aside, the Judges were only sway'd by the Force of the Arguments advanc'd by the respective Parties; and from them enabled, as it were, to prophesy how Matters would turn out; and what the final Result would be. The Reader may have a fuller Account of this Matter in *Aulus Gellius*, Lib. 2, Chap. 4. and in *Sigonius, de Judic.* Lib. 2, Chap. 9. *Ulpianus de Accusat.* likewise makes mention of this Affair, and says; *If several Persons are desirous to accuse the same Man, the Judge ought to choose from amongst them him, who by his Age, his Morals, and the other Circumstances of his Life, shall seem best qualified for that Purpose.*
When

Explanatory NOTES.

When many had given in an Accusation against the same Man, he who gave in the first was called the *Accuser*: And he who gave in the second, or third, the *Subscriber*, or *Sollicitor*, who generally us'd to assist the first and principal Impeacher. With regard to this Matter, *Plutarch*, in his *Cato Major*, informs us, that there was a Law permitting the Person accus'd to appoint some Person, as a kind of Check, upon the Accuser; whose Business it was to take Cognizance of the several Articles of the Charge laid against the Accus'd.

Page 86, Line 2. *Or in this Assembly.*] There were a great many of the *Senatorian Order* present at this Trial, either in quality of *Assessors*, or as *Auditors*, not vested with any Power, for the Office of the chief Magistrates did not consist in giving Judgment, but in constituting Judges.

Ibid. Line 12. *Whereof I had been Quæstor.*) About four Years before this Trial, *Cicero* had been Quæstor in *Sicily*, under the Prætorship of *Sextus Peducius*, who was succeeded by *Caius Sacerdos*, whose Successor in Office *Verres* was. But I judge it proper here to acquaint the Reader, that in *Sicily* there were two Quæstors; the one of *Syracuse*, the other of *Lilybæum*, which *Cicero* was.

Page 87, Line 4. *Their Ancient Patrons.*] There were in *Rome* a great many Men of Note, who had strenuously patroniz'd the *Sicilians*; amongst whom was *Marcellus*, the Son of that *Marcellus* who, having bravely conquer'd *Syracuse*, generously preserv'd and protect'd its Inhabitants. They had likewise for their Friends and Patrons, all the *Scipio's*, the illustrious Race of *Scipio Africanus*, who having destroy'd *Carthage*, carried back in Triumph to *Sicily* all those Ornaments of which the *Carthaginians* (upon their proving victorious) had robb'd her. They were also vigorously and warmly befriended by the *Metelli*; two of whom, viz. *Metellus Celer*, and *Metellus Nepos*, were very active in impeaching *Marcus Lepidus*, an account of his Misconduct, when Prætor in that Province.

Ibid. Line 8. *Publicly and unanimously.*] That the Reader may not be misled in a Point of History, I must

Explanatory NOTES.

must inform him, that *Cicero* in this Passage makes use of a *Rhetorical Exaggeration*, and stifles part of the literal Truth; for neither the Inhabitants of *Messena* nor of *Syracuse* apply'd to him on that Occasion.

Ibid. Line 29. *Three Years inflicted upon them.*] *Verres* was three Years Prætor in *Sicily*; one for himself; another on the Account of the Death of *Arrius*, when on his Journey to *Sicily* in order to succeed him; and a third, on account of the Fugitives. But one Year was the stated Time for the Continuation of a Prætor in a Province; it being a Maxim of the *Roman Government* (and indeed a Maxim founded on the justest Politics) never to allow a Man to continue long in Power.

Page 88, Line 13. *The Quæstor of their Province.*] The *Quæstor Provincialis* of the *Romans* was an Officer immediately under the Prætor, and sent abroad with him to collect the Revenues of a Province, and manage the public Money.

Ibid. Line 18. *Had they not known Cæcilius.*] Some of the Critics maintain, that the *Sicilians* must have been acquainted with the Character of *Cæcilius*; because, according to *Asconius*, he was a Native of their Province. Others of them, relying upon the Authority of *Plutarch*, think he was a Freedman of *Rome*, and a Professor of the *Jewish Religion*; which of them is in the right, I shall not take upon me to determine. But that *Cicero* took him for a Jew is pretty plain from the Exclamation, *Quid Judæo cum Verre!* What has a Jew to do with *Verres*! Which last Word signified among the *Romans* an uncastrated Hog. I believe every Reader of Judgment and Taste will perceive, that this Exclamation is not only a Piece of false Wit, but likewise unbecoming a Gentleman, and quite below the Dignity of the Bar: As if, forsooth, a Man was to be jeer'd and scoff'd at on account of his Religion; or, for his Belief in Matters of Faith and Speculation, deny'd the Privileges of a Man, and cut off from the Privileges of a Subject.

Ibid. Line 25. *My Engagement.*] Before *Cicero's* Return from his Prætorship, he had bound himself
by

Explanatory NOTES.

by many Promises to patronize and protect the *Sicilians*.

Page 89, Line 20. *Achaia, Asia, Cilicia, &c.*] *Verres* being sent as *Dollabellas* Pro-quæstor, into these Provinces, committed many atrocious Crimes; and by his excessive Cruelty, and insatiable Avarice, render'd himself odious, and his Prætorship intolerable to the Inhabitants. *Achaia* is a Country of *Greece*, surrounded by the Sea on all hands, except on the North; its Metropolis is *Corinth*. *Cilicia* is a Country of *Asia Minor*, lying next to *Syria*, of which *Cicero* was afterwards made Governor. *Pamphilia* was a Country of *Asia Minor*, situated in the Mediterranean.

Ibid. Line 21. *Notorious at Rome.*] *Verres* was then Town-prætor of *Rome*, so that his Crimes may well be suppos'd to be notorious there.

Ibid. Line 27. *Our most distant Friends and Allies.*] The *Romans* had Allies of three different Kinds: The first, were those, who being conquer'd in War, had Laws impos'd upon them by the *Romans*. The second, those who (being equal to them in the Fate of War) enter'd into an Alliance with them upon equal Terms. The third, those who, having never been their Enemies, chose of their own accord to enter into a League with them.

Page 90, Line 5. *Allies and Tributaries.*] The Tributaries of the *Roman* People were those who paid a certain Tax, either in Money or in Corn.

Ibid. Line 9. *Administration of Justice.*] This Passage must be unintelligible to an *English* Reader, who does not know, that *Sylla* had, during his Usurpation, depriv'd the *Roman* Knights of the Power of trying Causes. *Cicero*, who was still a Friend to the Equestrian Order, speaks his Mind upon that Subject with a becoming Boldness; and expresses the Necessity of having that Breach in the Constitution repair'd.

Ibid. Line 19. *Re-establishment of the Tribunitia Power*]. Before the Dictatorship of *Sylla*, the Tribunes had a Power of summoning before the People not only a Senator, but even a Magistrate, who had taken Money for his Voice in any Cause; but a few

Explanatory Notes.

few Months after *Sylla* had taken away this Power; the Consuls, *Pompey* and *Crassus*, restor'd it.

Ibid. Line 22. *Another Order.*] *Viz.* the Equestrian.

Ibid. Line 23. *Reconcil'd the People to the Censorship.*] The Censors were created every fifth Year; and their Business was to correct and chastise the vicious and immoral Members of the State. If they inform'd against a Senator, he was expell'd the Senate. If against a Knight, he lost his Horse. If against a Plebeian, he was mark'd in a certain Register, that he might be fin'd, and his Name struck out of the Roll of the Century to which he belong'd.

Page 92, Line 20. *Will you, Cæcilius, &c.*] This part of his Speech, is what the Logicians call the *Confirmation*, and consists of two Parts; The first, which he now enters upon, may be reduc'd into a Syllogistical Form, in this Manner: *If the Sicilians require that I (Tully) shall be the Accuser, this ought to have great Weight with the Bench.*

They do require it: Therefore

This ought to have great Weight, &c.

This is home and close Reasoning. The chief Maxim of the *Roman* Government, as our Author has shew'd elsewhere, in many Instances, was to protect their Friends and Tributaries: And the Laws of *Rome* were such, that no Magistrate, however great, cou'd be without their Reach, either at *Rome*, or abroad, if he acted oppressively and tyrannically.

Ibid. Line 25. *If you dare maintain, &c.*] For if the *Sicilians* had demanded no Prosecutions, this was a strong Presumption that they had not been injur'd in any great Degree.

Page 93, Line 2. *Presumptuous.* This Passage is very difficult to be translated into *English*: The literal Sense is, *Of whom not only a previous Judgment, but a Judgment is plainly thought to have been made*: The Original is, *de quo non Prejudicium sed plane Judicium sit factum putatur*. That we may not heap a deal of useless Learning and Quotations into these Pages, it may be sufficient to say, that *Prejudicium* in *Latin* admits of two Senses, viz. either a Sentence pronounc'd upon one Part

Explanatory NOTES.

Part of the Trial, which might serve to direct the Decision of the whole; or, a Circumstance, which tho' not a legal Proof, was very strong for or against a Party. Having said thus much, I shall say no more about the Liberty I have taken in the Translation.

Ibid. Line 15. This *Marcellinus* had been Prætor, and was after that sent to command in *Sicily*.

Page 94, Line 7. The two Cities here mention'd, are *Mamertium* and *Syracuse*; which were Confederates with *Verres* in many of his Acts of Oppression.

Ibid. Line 22. *I am not to arrogate.*] I have often observ'd, that when *Tully* speaks of his own Person and Abilities, he has the Art of throwing what he says into a very doubtful Light, by leaving the Reader to imagine a great deal; and with what one may venture to call an *impudent Modesty*, displays greatest Abilities when he pleads *greatest Weakness*.

Page 95, Line 29. The proper Guardians of a Law are the Judges; therefore, says our Author, the *Romans* and all the World require, that you should keep the Law inviolated, and in full force.

Page 96, Line 14. *A Million of Money.*] Tho' I have taken the Liberty of making the Sum round, yet in the Original it is *Sextertium Millies*; but our Author makes it less in the Course of his Pleading against *Verres*. The Sum mention'd here, however, amounts to about 789,250*l*.

Ibid. Line 15. *I say, &c.*] What a noble Indignation does our Author express always, when he is sure that he has Right and Law upon his Side.

Page 97, Line 16. There is here in the Original a great Perplexity in the Reading, and no Commentator has yet fix'd it. I have translated it to what I thought was its true Sense.

Page 98, Line 2. There is the same here.

Page 99, Line 1. *Therefore does his, &c.*] Our Author now enters upon a very bold and hazardous Undertaking, which was to expose the Practices and Conduct of *Hortensius*, a Man of great Authority and Abilities: This he does without reserve, and in such a Manner, as wou'd not be admitted of in any modern Court, without a very severe Censure. There is a fine

Explanatory NOTES.

Sneer in the Original thro' all this Paragraph, which I have endeavour'd to keep up to in the Translation.

Ibid. Line 6. We may suppose, that in this Speech, which our Orator has made for *Hortensius*, he endeavours to imitate the Style and Manner of that great Man, whom yet he greatly esteemed.

Ibid. Line 20. This Passage relates to the Manner in which the *Roman* Judges gave Sentence: If the Cause was of no great Consequence, they had each a little Tablet of Wax, upon which they wrote, or were supposed to write, their Opinion by the Letter (A), if it was for acquitting, or absolving: By (C) if for condemning: And (N. L.) that is, *Non Liquet*, if the Cause to them appear'd doubtful; and they pronounc'd their Opinion *viva voce*; but in more important Trials, they wrote it upon the Tablets, and deliver'd the Tablets unto the proper Officer, who put them into an Urn, and after sorting them, the Majority was declar'd.

Ibid. Line 27. Here our Orator alludes to some Fact, no clear Account of which is transmitted to us: *Asconius*, and the later Commentators, indeed, pretend to help us, but after all leave us in the dark.

Page 101, Line 5. This places our Author's Friend in no very amiable Light, since it insinuates, that he had been very partial in his Practice at the Bar.

Ibid. Line 10. *And the following.*] Our Author in all this Picture of *Cæcilius's* Defects, draws that of his own Perfections, by throwing out all that was excellent in him, and charging *Cæcilius* with not being Master of the same Excellencies.

Page 103, Lines 27. This is a very weighty Argument: For *Cæcilius*, as *Quæstor*, instead of being a Check, as he ought to have been upon *Verres*, appears to have shar'd his Plunder.

Page 104, Line 12. *A Quantity of Corn was brought.*] *Sicily* gave, without making any Bargain, one tenth to the *Romans*; but another tenth Part was bought of them, for which, by a Decree of the Senate, they were to receive Money.

Page 105, Line 18. *Shar'd with his Quæstor.*] *Cicero*

Explanatory NOTES.

Cicero here supposes, that *Verres* and *Cæcilius* had been so connected by their Villanies, that those of the one could not be discovered without bringing to Light those of the other also.

Page 107, Line 18. *As Prætor.*] *Verres* had been *Carbo's* Quæstor, in the Consular Province.

Ibid. *As Commissioner.*] He had likewise been *Dolabella's* Commissioner in *Asia*.

Page 108, Line 15. *At Athens.*] The Sciences then flourish'd at *Athens*, and the *Greek* Language was spoke with more than ordinary Purity.

Ibid. *Lilybæum.*] *Lilybæum* is one of the three Promontories of *Sicily*, lying towards *Lybia*.

Ibid. Line 16. *At Rome instead of Sicily.*] *Cicero* here sneers at *Cæcilius*, who chose to learn both *Greek* and *Latin* in *Sicily*, where both Languages were much neglected, and little us'd.

Page 109, Line 18. *To appear at the Bar.*] The Original has it, *Reo Citato*; i. e. upon a Trial.

Page 110, Line 12. *I protest, my Lords.*] In this Passage *Cicero* laughs at *Cæcilius*, whom he supposes to be so wretched an Orator, as to believe that he had acquitted himself handsomely, if he made use of any of the Common-place Phrases of the Lawyers. I have here taken the Liberty of using the Phrases of our *English* Lawyers, instead of those us'd by the *Roman*.

Page 111, Line 24. *To arraign upon his Fingers.*] *Cicero* here carries his Raillery against *Cæcilius* so far, as even to laugh at *Hortensius*, who number'd the Heads of his Defence upon his Fingers; a very shrewd successful Way of rendering a great Man ridiculous.

Page 113, Line 7. *Expert Sollicitors.*] The Sollicitors were those who assisted the Accuser to manage the Accusation; and none were allow'd to take this Office upon them, 'till they had receiv'd a Power of so doing from the Judges.

Ibid. Line 12. *Lucius Apuleius.*] Who this *Lucius Apuleius* was, we have no Accounts that can be depend- ed on; only this much we may conclude, from *Cicero's* Words, that he was both an old Man and a bad Ora- tor.

Ibid. Line 16. *Allienus*,---taken from the Forms.]

Explanatory NOTES.

This *Allienus* was only concern'd in petty Trials, and puny Cases: For according to *Nonius*, the Tribunes, the *Quæstors*, and inferior Judges, sat on Forms, or *Subsellia*, and not in the *Sellæ Curules*, or the *Roman* Chairs of State. Our Orator here plays a good deal upon Words, and throws out some Puns upon the Names of his Antagonist's Managers; particularly this *Allienus*, i. e. STRANGE; a poor Art of amusing a Bench; but it wou'd appear from several Passages in *Cicero*, that it was often successful.

Page 114, Line 6. *Pimp for you.*] The Word I have translated *Pimp*, is in the Original *Lenocinor*; and the peculiar Art of that Profession is to procure Favours, by extolling their Employers; so that the Conduct of *Allienus*, with regard to *Cæcilius*, might justly be compar'd to that of a Pimp.

Page 115, Line 11. *From the Mænian Column.*] The Mænian Column stood in the Forum: At it Thieves, or Servants who had been guilty of some Fault, were punish'd by the *Triumviri*. At it Impeachments were laid against the less notorious Offenders; and it was frequented by the most profligate and abandon'd Set of Wretches. It was call'd the *Mænian Pillar*, because, when *Mænius* sold his House to *Cato*, that the *Basilica* might be built where it stood, he reserv'd for himself and his Posterity one Pillar, as a Place where the public Shews might be seen.

Ibid. Line 13. *A Spy upon Tully.*] It was customary among the *Romans*, to set Spies upon the Accusers, that so they might not have an Opportunity of being corrupted or brib'd; of these Spies the Accused had the Nomination.

Page 117, Line 28. *A Lady nam'd Agonis.*] Of this *Agonis* we have no Account in History that can be depended upon; but we are at no great Loss upon that account, since *Cicero* is so particular upon this Head, that we cannot possibly mistake his Meaning.

Ibid. Line 29. *Venus Erycina.*] *Eryx* was a very high Hill in *Sicily*, on the Top of which *Venus* had a Temple, and on this Account she was stiled *Venus Erycina*.

Page 118, Line 2. *One of Antony's Officers.*] The *Antony* here spoke of, was appointed to protect the Sea Coasts

Explanatory NOTES.

Coasts before the War with the Pirates ; but having declar'd against the *Cretans*, he unfortunately perish'd by some Piece of bad Management.

Ibid. Line 12. *To the virtuous disinterested Cæcilius.*] That this Passage is ironical, the Reader cannot fail at first View to perceive.

Ibid. Line 14. *Caus'd it to be try'd.*] It belong'd to the Prætors and Quæstors of the Provinces, to appoint Judges in private Causes ; but the Quæstor alone could not do it, without a delegated Power from the Prætor.

Ibid. Line 24. *Privilege under the Sanction.*] I have taken the Liberty to translate the Word *Mancipia*, which properly signifies *Slaves*, by a more general and comprehensive one, *viz.* Privilege ; because by the same Right that *Agonis* was depriv'd of them, she might have been likewise robb'd of any other Privilege or Part of her Property.

Page 119, Line 3. *But a Mutius.*] *Cicero* means *Mutius Scævola*, a Man of untainted Honour, and known Goodness ; who, for the Space of nine Months, govern'd *Asia* so much to the Satisfaction of the Inhabitants, that they kept a Day in honour of him, which they call'd the *Dies Mutia*.

Ibid. Line 10. *Tasted an enchanted Cup.*] In the Original it is *Circes Poculo*, or that Cup given by *Circe* to her Guests ; after a Draught of which she touch'd them with her Rod, and chang'd them by that Means into Swine ; but being besmear'd with a certain Ointment, they were restor'd to their wonted Form.

Ibid. Line 11. *A true Verres.*] Here *Cicero* childishly plays upon his Antagonist's Name : *Verres*, as we before observ'd, signifying an uncastrated Hog.

Ibid. *A Rogue, or a Shuffler.*] In the Original it is *Perfidiosus vel Prævaricator* : The *Perfidiosus*, which I have translated *Rogue*, signified among the *Romans* one who pretended to be a Friend, when he was indeed an Enemy. The *Prævaricator*, on the other hand, which I have render'd the *Shuffler*, signifies one who pretended to be an Enemy, when at Bottom, and underhand, he was a real Friend.

Page 122, Line 7. *Lucius Philo.*] There were two Men in *Rome* of this Name, the one Prætor, and

Explanatory NOTES.

the other Quæstor, who in all probability was the Man here meant by *Cicero*. The others mentioned in the subsequent Lines, are too well known to need any Description.

Page 123, Line 13. *Lucius Piso*.] This *Lucius Piso* was by Profession a Lawyer, and when Tribune of the People, enacted a Law relating to Extortion.

Ibid. Line 15. *Against Publius Gabinus*.] This *Publius Gabinus* had the Government of *Asia* some time before this.

Ibid. Line 16. *Oppos'd by Quintus Cæcilius*.] It will be necessary to inform the Reader, that the *Quintus Cæcilius* here spoken of, is not the same with him who fought a Right of accusing *Verres*.

Ibid. Line 20. *Because the Achæans*.] The *Achæans* was a Name for the *Greeks* in general; but is here only taken for the Inhabitants of *Pontus*, who accus'd *Gabinus* of Extortion.

Page 124, Line 2. *In the best Ages of Rome*.] *Cicero* here points at those Times when Honesty was universal in the Republic, and Extortion so little known and practic'd, that there was not so much as a Law against it.

Ibid. Line 27. *The illustrious Cato*.] This *Cato* accus'd *Sergius Galba*, for plundering the Inhabitants of *Lusitania*, the third Part of ancient *Spain*; and by this Accusation procur'd a great many Enemies to himself. He likewise, at their Instances, accus'd *Publius Furius*, for setting an immoderate Price upon Corn.

Page 125, Line 28. *Cneius Domitius*.] This *Domitius* accus'd *Marcus Silanus*, a Man of Consular Dignity, on account of some Injuries he had done to one *Egritomarus*, of whom we have no other Account than what *Cicero* gives us in this Passage.

Ibid. Line 28. *Publius Lentulus*.] This was probably the Father of that *Lentulus Sura*, who was strangled in Prison for his being embark'd in the Conspiracy of *Catiline*.

Ibid. *The Head of the Senate*.] The Words of the Original are *Princeps Senatus*, who was chosen by the Censors, and was commonly the oldest of their own Number.

Page 126, Line 1. *Marcus Aquilius*.] This *Marcus*
cus

Explanatory NOTES.

cus Aquilius was accus'd of Extortion by *Lentulus*, but defended by *Antony*, who drew aside his Garment, and shew'd the Scars of those Wounds he had receiv'd for the Republic, in the War with the Slaves in *Sicily*.

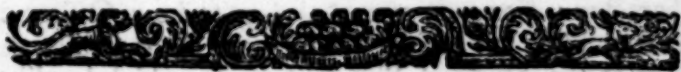
Ibid. Line 15. *To stand for the Ædileship.*] The Ædileship was an Office of the second Dignity in the Roman State; and none could bear it, who were not arriv'd at the 36th Year of their Age, which *Cicero* at this time was.

Ibid. *For a languishing, and almost incurable State.*] I have here us'd a very pardonable Liberty with the Original, which runs, *agrotæ, ac prope desperatæ Reipublicæ*: The Republic was by the Romans said to be *agrotæ*, when she swarm'd with bad and wicked Members; and she was said to be *desperata*, and *prope desperata*, when she was either altogether, or in a great measure, crush'd by them.

Page 127, Line 24. *Many Pledges.*] *Cicero's* Country had many Pledges of him, on which he set a high Value; his Wife, his Children, his Relations, and his Friends.

Ibid. Line 27. *The Honour for which.*] This Honour was the Ædileship.

Ibid. *That Hope.*] The Hope of the Prætorship, and Consulate.



Notes upon the ORATION for ARCHIAS.

Page 103, Line 4. *Which I own to be but slender.*]

CICERO, from his consummate Knowledge of Human Nature, saw that nothing was so well calculated for gaining the Affections of an Audience to an Orator, and prejudicing them in his Favour, as a becoming Modesty, when he made mention of himself: He therefore mentions his own Abilities with a grace-

Explanatory NOTES.

ful Reluctance, and professes his Sense of their being but slender and ordinary. It were to be wish'd, that this Modesty had taken place thro' all the rest of his Works; if it had, the World would have look'd upon him not only as a better Man, but a more finish'd Orator; for Virtue and Modesty, at least the Appearance of them, have a surprizing (I had almost said an incredible) Influence on the Success of an Orator.

Ibid. Line 5. *From my early Youth.*] *Cicero* was all along very keen in the Pursuit of Knowledge, and careful to make himself Master of those Branches of Learning which were known to the Age in which he liv'd. While a Youth, he apply'd himself to the Study of Philosophy, at *Rome*; and as he says himself, in his *Brutus*, his Thirst after Knowledge was so strong and insatiable, that he, of his own accord, committed the Charge of his Education to *Philo*; a Circumstance, which not only discover'd his Love of Learning, but at the same time, the Goodness of his Taste; for *Philo* was at that Time as universally, as justly, admir'd. *Plutarch* relates of *Cicero* that even when a Child at School, his Genius was so surprizingly vast, and the Fame and Glory he had acquir'd among his School-fellows so great, that People were wont to visit the School, with no other View than that of seeing him. This Superiority of Genius, and unbounded Love of Learning, were all along distinguishing Parts of *Cicero*'s Character: For even after he came to bear Offices in the Republic, his leisure Hours were scrupulously devoted to the Study of Philosophy; to which he likewise apply'd himself when the Orators had not an Opportunity of pleading, upon account of the Republic's being embroil'd by the Usurpation of *Cæsar*.

Ibid. Line 9. *Has a Right to claim, &c.*] *Archias* had been Præceptor to *Cicero*, who, when but a Boy, had such a Turn for Poetry, that he wrote his *Pontius Glaucus*, in Tetrameter Verse; which *Plutarch* says was extant in his Time.

Page 131, Line 22. *A regular Proceeding.*] The Words in the Original are *Quæstio Legitima*, which, among the *Romans*, signified no more than a Case provided for by the Law, and in which any one had a Right to call the Delinquent to a Trial.

Ibid.

Explanatory NOTES.

Ibid. Line 26. This is very artful in *Cicero* ; he knew that he had the worst of the Argument, and therefore wanted to divert the Attention of the Judges by the Beauty of his Fancy ; which, as it was unusual to introduce in a public Proceeding, he here apologizes for it.

Page 132, Line 23. *At Antioch.*] This City was the Metropolis of *Syria* ; built, according to *Strabo*, by *Seleucus Nicator* ; and the Place of *Archias's* Nativity.

Page 133, Line 12. *Inhabitants of Tarentum.*] This was a City of *Græcia Major*, situated in *Calabria*, on the Sea Coast, and lying towards *Sicily* and *Naples*.

Ibid. Line 20. *Marius and Catulus.*] These two were Consuls in the 651st Year after the building of the City.

Ibid. Line 21. *The Actions of Marius.*] The fourth Consulship of *Marius* was then running, and he having taken *Jugurtha*, routed the *Cimbrians*, the *Teutons*, and *Ambrones*, might well be said to afford a worthy Theme to the Poets and Orators of his Time.

Ibid. Line 23. *The other, &c.*] This other was *Catulus*, of whom *Cicero* makes very honourable mention, in his Books *de Claris Oratoribus*, and *de Oratore*.

Ibid. Line 25. *Afterwards the Luculli.*] These were two Brothers, *Lucius* and *Marcus Lucullus* : *Lucius* triumph'd over *Mithridates* and *Tigranes* ; and *Marcus*, his Brother, over *Macedonia*. *Plutarch* relates of *Lucius*, that he had a large and well chosen Library, which was always open to Men of Learning.

Page 134, Line 7. *Metellus Numidicus.*] This *Metellus* got the Surname of *Numidicus*, because, when he was Consul, he routed *Jugurtha*, in two pitched Battles, and laid waste all *Numidia* : According to *Plutarch*, he was Uncle to the *Luculli*.

Ibid. Line 9. *Pious Son, &c.*] This *Metellus*, the Son of *Metellus Numidicus*, is Surnamed Pious, because by his Prayers and Intreaties, he procur'd his Father's Return from Banishment.

Ibid. Line 8. *Marcus Æmilius.*] *Æmilius Scaurus* was at that time Head of the Senate, and a Man of great Authority in *Rome*.

Ibid,

Explanatory NOTES.

Ibid. Line 9. Q. Catulus.] *Quintus Catulus* was an Orator, and Consul.

Ibid. Line 10. *Lucius Crassus*.] *Lucius Crassus* was a great Orator, as we may learn from a Passage of *Cicero de Oratore*, where he is introduc'd as speaking.

Ibid. Line 12. *Drusus*.] This *Drusus* was the Uncle of *Marcus Cato*; and, according to *Velleius Paterculus*, he was a Tribune of the People; and was slain at home, in the Beginning of the Social War.

Ibid. *Octavii's*.] In *Rome* there were three *Octavii*, viz. *Cneius*, who was Consul, in conjunction with *Cinna*, by whom he was banish'd from the City, when attempting to introduce some pernicious Laws. Another *Cneius*, not descended of the same Father, who was *Curio's* Colleague in the Consulate. And *Lucius*, the Brother of *Cneius*, who was Consul in Conjunction with *Cotta*.

Ibid Line 13. *Cato*.] This was the Father of that *Cato of Utica*, who kill'd himself.

Ibid. Line 23. *Went to Sicily*. *Lucius Lucullus* went to *Asia* in Quality of Quæstor; when Prætor, he had the Government of *Sicily*; and when Consul, that of *Asia* entrusted to him; and *Archias* attended him in those Provinces.

Ibid. Line 25. *Heraclea*.] *Heraclea* was a City of *Italy*, bordering upon *Campania*: According to *Strabo*, it was formerly call'd *Troy*; but the Colonies of the *Tarentines* settling in it, it was afterwards call'd *Heraclea*, and since they enjoy'd the same Privileges with the City of *Rome*, and was number'd among the Associate Cities, *Archias*, of course, might claim the Privileges of a *Roman Citizen*.

Ibid. *Stricteſt Faith of Nations*.] This Alliance with *Heraclea* was enter'd into, and confirm'd, in the Time of *Pyrrhus*, under the Consulate of *Fabricius*, in the 175th Year after the building of the City.

Page 135, Line 2. *Plotian Law*.] When *Cneius Pompeius*, *Strabo*, and *Lucius Porcius Carbo* were Consuls, *Marcus Plautius Silvanus*, and *Cneius Papirius Carbo*, Tribunes of the People, made a Law relating to Strangers. See the following Note.

Ibid. Line 9. *Sixty Days*.] There were three Clauses in this Law: If any one was register'd in the
Books

Explanatory NOTES.

Books of an Associate City, had a Dwelling in *Italy*, and within sixty Days after the Law was made attested himself before the Prætor, he was judg'd a *Roman* Citizen.

Page 136, Line 4. *Italian War.*] The Inhabitants of *Italy* despairing of making themselves Masters of the City of *Rome*, they at last conspired, and wag'd War upon the *Romans*, which was call'd the *Social War*: And likewise the *Marfsian*, because first rais'd by the *Marfi*.

Ibid Line 23. *Enter'd his Declaration.*] He took Care, as the Law prescrib'd, that his Name should be recorded; not in those Registers which were negligently kept by the Prætor, (and in which many stole an Opportunity of writing their own Names) but in those kept by *Metellus*, whose Integrity was unquestion'd.

Ibid. Line 27. *Appii Tabulæ.*] *Appius* and *Gabinus* were Prætors when *Archias* was attested.

Page 137, Line 14. *If in Greece.*] He here means *Græcia Magna*, which was a Part of *Italy*, reaching from the Confines of *Latium* to *Tarentum* and *Cumæ*.

Ibid. Line 18. *Locrians.*] *Archias* had the Immunities of a Citizen confer'd upon him by the Inhabitants of *Locris*; a City in the remotest Skirts of *Italy*.

Ibid. Line 25. *Even after the Papian Law.*] *Petronius* at first made a Law, forbidding Strangers to enjoy the Privileges of Citizens; and *Papius*, a Tribune of the People, when *Cotta* and *Manlius* were Consuls, restor'd it, in the Year of the City 688.

Page 138, Line 10. *Under Julius and Craffus.*] *Lucius Julius Cæsar*, and *Publius Licinius Craffus* were Censors, when *Cneius Pompeius* and *Porcius Cato* were Consuls; in the Year of the City 664.

Page 138, Line 23. *Gazing at Festival Shews.*] The Original is *Tempestivis Conviviis*; which were such Entertainments as begun before the accustomed Hour, and were lengthen'd out 'till very late at Night.

Page 141. Line 24. *Africanus.*] The youngest Son of *Paulus Æmilius* was surnam'd *Africanus*. This Youth, according to *Cicero*, added a Dignity to his warlike Glory by his Eloquence.

Ibid. Line 25. *Caius Lælius.*] This *Lælius* was fir-named

Explanatory NOTES.

named *Sapiens*; and is by *Cicero, de Claris Oratoribus*, said to far exceed *Scipio*, in point of Eloquence.

Ibid. Line 27. *Was Marcus Cato.*] This *Marcus Cato* was a Man of great Authority and Courage: When very old, he apply'd himself to the *Greek* Language; and he learn'd the *Latin* when pretty old, *Cicero* makes frequent mention of his Eloquence in his Piece *de Claris Oratoribus*, and in his Book *de Senectute*.

Page 142, Line 21. *The Death of Roscius.*] This was the *Roscius Comædus* for whom *Cicero* pleaded, and whom *Quintus Catulus* pronounced more beautiful than the rising Sun, notwithstanding his squinting Eyes and distorted Looks.

Ibid. Line 26. *Management of his Limbs.*] He had such a graceful and majestic Air, in the very Motions of his Body, that after him, whoever excell'd in any Art, was call'd a *Roscius* in his own Way.

Page 143, Line 8. *Cloath'd the same Subject.*] *Archias*, when demanded to cloath his Thoughts in other Expressions, could do it with such Ease and Fluency, as surpriz'd all who were Witnesses of it.

Ibid. Line 26. *Epithet of Holy.*] *Plato* stiles Poets the Sons and Interpreters of the Gods.

Page 144, Line 5. *Rocks and Desarts.*] He here alludes to the Fable of *Orpheus*, whom the Poets feign to have charm'd Tygers, Lions, Woods, and Trees, by the Music of his Harp. By this Fiction they wanted to represent to us the Force and Efficacy of Poetry, to tame the fiercest of Natures, and sooth the most savage Breast.

Ibid. Line 10. *Colophonians.*] These were the Inhabitants of *Colophon*, a City of *Ionia*; fam'd for its being the Seat of the Oracle of *Apollo*, and the native Country of *Nicander* the Poet.

Ibid. Line 11. *The Chians.*] *Chios* was an Island in the *Ægean* Sea; and, if we may give Credit to *Stephanus*, was the most splendid City belonging to the *Ionians*.

Ibid. Line 12. *Salaminians.*] A People of the Island *Cyprus*.

Ibid. Line 13. *Smyrnians.*] *Smyrna* was a Town in *Ionia*. The History of the Seven Greek Cities laying Claim

Explanatory NOTES.

Claim to *Homer* is so well known, that we need not take up any time in describing it here.

This is a Piece of Sophistry that an Orator durst not have used before an *Athenian* Tribunal: That acute People would easily have discover'd, that the Whole was an Imposition upon their Senses. First, to insinuate, that because *Homer* was a Poet, and *Archias* was a Poet, therefore that *Archias* had a Right to the same Honours with *Homer*. 2dly, To bring a Case of a dead Poet, or Citizen, as a Parallel with that of a living one. Five hundred Cities might have claim'd *Homer*, yet not one of them have suffer'd either in their Interests or Privilege. But the Case of *Archias* was of a very delicate Nature; the Immunities of a *Roman* confederated City were very considerable; and the Cities who had gain'd them had deserv'd them by their great Services to the State. The Numbers of *Greeks* at that Time residing in *Rome* and *Italy* had fill'd all these Cities with Inhabitants, who had no other Recommendation, as we may learn from several Passages in this Oration, but the Favour of some great Man, who had a Taste for the fine Arts. This was a very great Discouragement to the brave and industrious Inhabitants; and for that Reason, the Law, upon which *Archias* was prosecuted, was pass'd to prevent Interlopers. *Cicero*, therefore, had he been Council against an Orator who had used such general Arguments, wou'd have expos'd their Weakness, by shewing that the Merits of *Archias*, and the Dignity of his Profession, had nothing to do in the present Case. He might have join'd with his Antagonist in bestowing all the Encomiums upon both, which they could admit of, yet all was nothing to the present Question, which was a Matter of Fact, and depending upon a Law which was clearly against *Archias*.

Ibid. Line 27. *Sung the Cimbrian War.*] The Words in the Original are *Cimbricas Res attigit*; which I have translated, *sung the Cimbrian War*; because *Archias*, when a Youth, had really done so, and in that Performance run out upon the Glory and Dignity of the *Roman* Empire.

Ibid. Line 30. *Untractable Soul of Marius.*] *Archias's* Conversation was very agreeable to this *Marius*, who
no:

Explanatory Notes.

not only hated the Studies which *Archias* follow'd, but likewise had a thorough Aversion to the *Greek Tongue*, which *Archias* spoke. *Vide Sallust.*

Page 145, Line 4. *Themistocles.*] *Themistocles* was an *Athenian General*; and so great a Man, that none of all the *Greeks* was preferr'd, and few thought equal, to him. *Vide Corn. Nep.*

Ibid. Line 24. *With an inconsiderable Force.*] When *Tigranes*, at the Head of a vast Army, saw *Lucullus* advancing with an inconsiderable One, he cried out, If these came as Ambassadors; their Numbers were sufficient; but if they came with a View to fight, they were by far too few.

Ibid. Line 26. *Troops of the Armenians.*] These were the Subjects of *Tigranes*.

Ibid. Line 28. *Securing Cyzicum.*] This is a small Island, with a City of the same Name, in the White Sea between *Asia* and *Europe*.

Page 146, Line 6, *Sea Fight of Tenedos.*] *Tenedos* is a small Island and City of the lesser *Asia*, over-against *Sigæum*, a Promontory of *Troas*.

Ibid. Line 11. *Our Ennius.*] *Ennius* was an antient Poet, born at *Rudiae*, a Town of *Calabria*. He wrote a Book of Annals in Verse, and many other Things, of which we have only now some Fragments remaining. His Character in general is too well known to need any farther Description, only there is one Part which we think deserves to be mention'd; and that is, that he never sung of War and Arms except when he was drunk. *Horace* humourously touches upon this part of his Character in these Lines.

*Ennius ipse pater nunquam nisi potus ad arma
Profiluit dicenda.*

He was very much respected by *Scipio Africanus*, who according to *Valerius Maximus*, erected his Statue among the Monuments of the *Cornelian Family*; which Circumstance receives an additional Proof from the Lines of *Ovid*:

*Ennius emeruit Calabris in montibus ortus,
Contiguus
Poni Scipio magne, tibi.*

Ibid.

Explanatory NOTES.

Ibid. Line 17. *Cato the Ancestor.*] This was *Cato* Major, who, according to *Livy*, was a Man of uncommon Judgment; and had a happy Turn for managing either public or private Business. In War he was an expert General; in Peace, a skilful Lawyer; and in Pleading, a great Orator.

Ibid. Line 20. *In short, all the Maximus's.*] These were the Men who in the second Punic War, became famous on account of the Victory they gain'd; and whose Valour and Conduct had been sung by *Ennius*. The chief of them were *Quintus Fabius Maximus*, *Marcus Claudius Marcellus*, (who convinced the World that *Hannibal* could be conquer'd;) and *Quintus Fulvius Flaccus*, who took *Capua*.

Ibid. Line 26. *A Native of Rudia.*] *Rudia* is a City of *Calabria*, built by the *Greeks*.

Page 147, Line 17. *The Great Alexander.*] *Cicero* here shews, from the Example of *Alexander*, how much Poets were esteem'd and honour'd by great Men; for he always kept a Tribe of Poets about him; and tho' some of them were none of the best, yet he was so charm'd with their Productions, that he bestow'd very ample Rewards upon them, which gave occasion to these Lines in *Horace*;

*Gratus Alexandro Regi Magno fuit ille
Chærilus, incultis qui versibus & male natis
Retulit acceptis regale Numisma Philippus.*

Ibid. Line 20. *Happy Youth.*] He was happy on two Accounts: First, on account of his Virtue and Valour; and secondly, because he had *Homer* to place his Worth and the Glory of his Actions in such a beautiful and striking Light, as that they could not fail to charm After-Ages.

Ibid. Line 23. *The Iliad.*] This incomparable Poem takes its Name from *Ilium*, because it treats of the War carried on there between the *Grecians* and the *Trojans*, for the Rape of *Helen*.

Ibid. Line 25. *And did not Pompey the Great.*] *Cicero* here shews the Honour in which Poets were had, from the Example of *Pompey*, who, when going into *Spain*, to wage a dangerous War, (by a Law made by the

Explanatory NOTES.

the Consuls *Lucius Gellius Publicola* and *Lucius Cornelius Lentulus* obtain'd a Power of bestowing the Freedom of the City upon those who had behav'd well in the War.

Ibid. Line 27. *Theophanes.*] This *Theophanes* was an Historian and a Poet. He sung the Deeds of *Pompey*, and was on that Account presented with the Liberty of the City, by the unanimous Consent of the Soldiers.

Page 148, Line 30. *Born at Corduba.*] This was a City of *Hispania Bætica*, and tho' it had become a Proverb for the bad Poets it produced, yet it gave birth to some Men of uncommon Parts, among whom were the two *Seneca's*, and *Lucan*.

Page 149, Line 11. *Decimus Brutus.*] This *Decimus Brutus* was Consul in conjunction with *Scipio*, in the Year of the City 616; and going General into *Spain*, he routed sixty thousand of the *Gallæcians*; which Success procur'd him the Sirname of *Gallæcius*. *Vide Paternulus, & Strabo.*

Ibid. Line 15. *Attius's intimate Friend.*] This *Attius*, or *Accius*, wrote some Tragedies, and is made mention of by *Horace*, in this Line,

Nil comis Tragici mutat Lucilius Acci,

Ibid. Line 15. *The great Fulvius.*] When this *Fulvius* went into *Ætolia* to carry on a War, he took *Ennius* along with him; which *Cicero* tells us, in his first Book of *Tusculan Questions*, was thrown upon him by way of Reproach.



Notes upon the ORATION for MARCELLUS.

Page 157, Line 3. *Silence which.*]

CICERO had, in Quality of an Orator, or Pleader, been long silent, upon account of the Civil War

Explanatory NOTES.

War between *Pompey* and *Cæsar* : For the Senators had retir'd, some to one City, some to another ; and some of them had followed *Pompey*, among whom was *Cicero*, and a great many of the leading Men : For this Reason a Senate was not held at *Rome* : And even when *Cicero* was some time after restor'd by *Cæsar*, he kept himself private, and made no Appearance in the Senate.

Ibid. Line 10. *Embark'd in the same Cause.*] *Marcellus*, as well as *Cicero*, had followed *Pompey*, and oppos'd *Cæsar* ; and is therefore said by *Cicero* to be embark'd in the same Cause with himself.

Ibid Line 14 *The social Rival of my Studies.*] *Marcellus* was so great an Orator, that he even disputed the Prize of Eloquence with *Cicero* himself, by whom he is highly commended in his Book *de Claris Oratoribus*.

Ibid. Line 19. *Erected as it were a Flag.*] As in War, the raising the Flag is a Sign that the Hopes of Victory are not lost, so, says *Cicero*, *Cæsar*, by restoring *Marcellus*, inspir'd the *Romans* with the pleasing Hopes of his good Intentions towards the Republic.

Ibid. Line 25. *Recounting all his Offences.*] *Marcus Marcellus*, when Consul, endeavour'd to get himself sent as Successor to *Cæsar*, at that Time waging War in *Gaul*. He likewise did all he could to get *Cæsar* proclaim'd an Enemy to his Country, if he did not forthwith disband his Army. In a Speech he stil'd him Robber ; nay, which is more, he lash'd with Rods a Magistrate of *Novocomum*, where *Cæsar* had planted a Colony, that so he might shew him to be no Citizen, and testify his Disapprobation of what *Cæsar* had done. These are the Offences of *Marcus Marcellus* against *Cæsar*.

Ibid. Line 28. *Stifled all your Suspicions.*] *Cæsar* suspected that *Marcellus* harboured a Design of killing him.

Page 158, Line 10. *For who excels him in Birth.*] Tho' the Family of the *Marcelli* was only of a Plebeian Rank, yet it was render'd noble and illustrious by many signal Honours that had been conferr'd upon it ; for no fewer than six of its Descendants had been Consuls ; one of whom was honour'd with the Consulship, five, and another three, different Times.

Explanatory NOTES.

Ibid. Line 26. *The Number of Battles.*] *Cæsar* had fought fifty pitch'd Battles, according to *Pliny*, Lib 7, Chap. 26; and, besides his Civil Victories, he had slain in Battle eleven hundred and ninety two thousand Men.

Ibid. Line 27. *The Variety of Scenes.*] *Cæsar* had wag'd War in *Spain*, *Britain*, *Gaul*, *Egypt*, *Germany*, *Asia*, *Africa*, and *Greece*. In *Africa* he overcame *Pompey*; at *Pharsalia*, in *Egypt*, *Ptolemy*; in *Pontus*, *Pharnaces*, the Son of *Mithridates*; in *Africa*, *Scipio* and *Juba*; and in *Spain*, the Sons of *Pompey*.

Ibid. *The Celerity of Conquest.*] *Cæsar* says of himself, in his Commentaries, that he did certain Things, *celerius opinione, sooner than one could well believe*; nay, he was sometimes so surprizingly expeditious with his Battles, that he had almost no sooner got a View of his Enemies, than he gain'd a Victory over them; as in the Case of *Pharnaces*, on which Occasion he pronounc'd these three celebrated Words, *Veni, Vidi, Vici, I came, I saw, I conquer'd*.

Page 159, Line 1. *The most discontiguous Countries.*] *Cæsar* had gain'd Victories in *Germany*, and in *Africa*, Places lying in opposite Quarters of the World.

Ibid. Line 6. *Merits surpassing even these.*] *Cicero* here means Clemency and Mercy, which might in a peculiar Sense be called *his own*; whereas Victory, Conquest, and the Honours of successful War, were shared by others as well as himself.

Ibid. Line 21. *No Captain, no Colonel.*] These two Words in our Language, perhaps, come the nearest of any other to the *Latin Words Centurio & Præfectus*; however, lest there should not be an exact Correspondence between them in every Particular, it will not be improper to acquaint the Reader with the Station of these Officers in the *Roman Army*: The *Centurio* then, according to *Vegetius*, Lib 2. Cap. 8. was an Officer who had the Command of an hundred Men, and was, in the Days of *Vegetius*, call'd *Centenarius*: The Horse only had their *Centuriones*. The Foot, on the other hand, had their *Præfecti*; of whom there were several kinds; for some were stil'd *Præfecti Legionis*, whose Business it was to discharge the Office, and exercise the Authority, of the Lieutenants in their
Absence

Explanatory NOTES.

Absence. Others of them were call'd the *Præfeti Castrorum*, to whom the chusing the Ground for pitching the Camp, the Disposition of the Ramparts and Entrenchments belong'd. The third kind was the *Præfeti Anona*, whose Business it was to take care that Provisions, Cloaths, and Horses, should always be in Readiness for the Soldiers.

Ibid. Line 21. *No Troop, no Battalion.*] As we have no *English* Words that come fully up to the *Latin* Words, *Cohors* and *Turma*, a Translator cannot be blam'd for using the Words *Troop* and *Battalion*, since by means of them *Cicero's* Thought is convey'd to the Mind of the Reader in all its Force and Beauty. See *Mæstus* & *Vegetius* upon the Words *Cohors* and *Turma*.

Page 160, Line 1. *Brutally barbarous.*] Such were the *Africans*, *Ægyptians*, *Britons*, *Gauls*, and *Germanians*.

Ibid. Line 2. *Immensly numerous.*] *Cæsar* is said to have conquer'd in *Gaul* 400 different Peoples; but 'tis to be observed, that these Peoples were very inconsiderable, since they either deriv'd their Names from some Town, or some petty Tract of Ground in *Gaul*.

Page 161, Line 16. *From the Eyes of Caius Marcellus.*] This *Caius Marcellus* was Brother to *Marcus Marcellus*, in whose Favour he address'd *Cæsar*, in a very humble, and at the same time a very warm, Manner.

Ibid. Line 26. *May you give the Preference.*] Before the Civil Wars, *Cæsar*, for his Successes in *Gaul*, had twenty-five Days of Congratulation decreed him; an Honour, which before had never been granted to any, as he himself says, in *Lib. I. Bell. Civil.* and when the Civil Wars were at an end, he had, according to *Dio*, forty Days for the same Purpose decreed to him. But the Day here spoke of, was to be preferr'd to any of these; because, on it he had extended Mercy and Forgiveness, which are personal Virtues, and cannot, like the Glories of War, be shar'd in by others.

Page 164, Line 29. *At the Behaviour of certain Persons.*] The chief of these certain Persons *Cicero* here has in his View, were *Lucius Lentulus*, *Lucius*

Explanatory NOTE 9.

Domitius Ænobarbus, Marcus, and Antonius, who rejecting all the Terms of Peace propos'd, fomented and promoted the War with all the Keeness imaginable.

Page 165, Line 6. *But the Consequences of Victory.*] Tho' *Cicero* often asserts, that the Cause of *Pompey* was far better and juster than that of *Cæsar*, yet here he drops the Justice of the Cause, and pays *Cæsar* a very great, and at the same time a very deserv'd, Compliment upon the happy Effects of his gaining the Victory over *Pompey*; whose Victory, if he had gain'd it, would have been intolerable, upon account of the Pride and Arrogance of those who were of his Party.

Page 167, Line 7. *Heavy Charge and gloomy Suspicions.*] When *Marcellus's* Brother threw himself at the Feet of *Cæsar*, and warmly and humbly apply'd for a Pardon to him, *Cæsar* made very grievous Complaints of *Marcellus*, and said, he suspected he intended to lay Snares for him.

Page 169, Line 25. *Liv'd enough either for Nature.*] *Cæsar* was now in the fifty-fourth Year of his Age.

Page 170, Line 1. *Philosophical Contempt of Death.*] In the Original the Words run thus: *Quare omitte quæso istam doctorum hominum in contemnenda morte prudentiam*; which I chose to translate in a general Way, for the Sake of the *English* Reader who is unacquainted with the Sentiments and Reasonings of the Stoics upon *Death*, and the Contempt of it.

Ibid. Line 3. *That you have liv'd long enough for your self.*] *Suetonius*, in his Life of *Julius*, Cap. 86, informs us, that *Cæsar* gave some of his Friends good grounds to suspect, that he did not wish to live any longer, and that he was not griev'd at his enjoying so bad a State of Health.

Page 172, Line 4. *When it reads and hears of your Conquests, your Commands.*] *Cæsar* had e're this time been General in *Gaul, Britain, Germany, and Africa.*

Ibid. *The Rhine.*] *Cæsar* first built a Bridge over the *Rhine*, cross'd it with his Army, and subdued the *Germans.*

Ibid. *The Ocean.*] *Cæsar* first pass'd with a Fleet into
into

Explanatory NOTES.

into Britain, which is surrounded with the Ocean.

Ibid. Line 5. *The Nile.*] He overcame King *Ptolemy* in *Egypt*, which the River *Nile* washes.

Ibid. Line 6, *Your Largeſſes.*] After any Victory it was customary for the *Roman* Generals to give ſuch of their Soldiers as had behav'd well, a *Congiarium*, which, among the *Romans*, was a general Name for all Preſents given on that Occaſion, whether *Money*, *Corn*, &c. In this Paſſage *Cicero*, probably, has an Eye not only to theſe, but likewiſe to his Huntings, Feaſts, Theatrical Entertainments, &c. all which came under the general Denomination of *Largeſſes*.

Ibid. Line 7. *And your Triumphs.*] *Cæſar* triumph'd five Times, over *Gaul*, *Pontus*, *Ægypt*, *Africa* and *Spain*. Vide *Velleius Paterculus*, Lib. 3.

Ibid. *But if the Conſtitution of this City.*] What a glorious Proof is this, at once, of the Honesty of our Orator, and the Greatneſs of *Cæſar's* Soul? The former does not, as a Man of abandon'd Principles, and no Addreſs, wou'd have done, ſooth him in his Uſurpation, by holding forth how much happier *Rome* muſt be under his abſolute Sway, than ſhe was under her former Government, and then proceed to extol the Equity and Juſtice of his Cauſe, and the Principles upon which he took up Arms: No; he either draws a Veil over all theſe Points, (which he could not have advanc'd without the moſt groſs Contradiſtion of all he himſelf had been acting and profeſſing) or caſts them into ſuch a Light, as makes it plain, that he tacitly blames *Cæſar*: At the ſame time, with inimitable Addreſs, he launches out upon *Cæſar's* Qualities; his Courage, his Conqueſts, and his *Virtues of Humanity*, &c. all which his Foes confeſs'd, and the moſt rigid Republican muſt have own'd. But at the ſame time, our Orator, with an honeſt Boldneſs, tells him, that it was expected the Fruits of all theſe Qualities, and *Virtues*, were to be the Reſtoration of the *Roman* Conſtitution, and a total Forgiveneſs of all that was paſt; otherwiſe, as he inſinuates, they muſt be look'd upon as ſpecious Views: This was a Language which a Tyrant of a leſs generous Turn of Mind than *Cæſar* had, might have ſeverely reſented; but we find, that he was ſo far from Reſentment, that

Explanatory NOTES.

this glorious Instance of our Author's Freedom and Friendship, only excited his Desire to hear him speak upon a like Subject again, which Opportunity soon presented, in the Case of *Ligarius*.

Ibid. Line 27. *You shall then be unconcern'd at all this.*] Here *Cicero* gently, and without any Breach of good Manners, reprehends *Cæsar*, who, according to *Sallust*, believ'd that the Souls of Men were not immortal, but ceas'd to exist immediately after their Separation from the Body.

Page 173, Line 4. *The Affections of the Citizens were different.*] In the Civil Wars, some of them sided with *Pompey*, and others with *Cæsar*.

Ibid. Line 18. *Or to Death.*] It was with Reluctance that *Cæsar* put to Death *Faustus*, the Son of *Sulla Africanus*, and *Lucius Cæsar*, a Youth.

Ibid. Line 20. *Some quitted their Arms.*] Upon *Pompey's* being overcome, some voluntarily quitted their Arms, and others did not; but these last having followed *Scipio* and *Cato* into *Africa*, had their Arms taken from them, upon their being vanquish'd.

Page 174, Line 17. *To form with our own Bodies.*] *Plutarch*, in his Life of *Cæsar*, informs us, that some of his Friends obtested him to set Guards upon his Person; and when many of them offer'd their Assistance in that Affair, he refus'd it, saying, it was better once to die, than to be daily rack'd with the Expectations of Death.



Notes upon the ORATION for the MANILIAN-LAW.

Page 197, Line 4. *The Majesty of his Place.*]

CICERO here means the *Rostra*, which, in the Consulship of *Lucius Furius Camillus* and *Caius Manius*, were built of the Stems of *Antian* Vessels,
and

Explanatory NOTES.

and set apart as the proper Place for enacting Laws, pleading Causes, and delivering Speeches to the People : Here none were allow'd to speak but Men of the first Note, and such as bore Offices of Dignity in the State. From the *Rostrum* the Speaker address'd himself to the People only ; but the Manner of speaking before them was widely different from that us'd before the Judges : The former were at once to be instructed and charm'd, and consequently, all Addresses to them to be embellish'd and elegant : The latter were only to be inform'd, and he that spoke before them was to use a Style more concise and simple.

Page 180, Line 13. *I was as often return'd.*] In the Infancy of the City, there was first but one Prætor ; then two ; in the Time of *Sylla*, the Dictator, eight ; and last of all, ten, on account of the Largeness of their Empire, and Number of their Citizens. These Prætors receiv'd their respective Degrees of Authority from the People, but they were conferr'd by Lot ; for the different Powers of the Prætors being wrote down, and thrown into a Chest or Urn, every one exercis'd that which Chance had given him : Thus two of them had the Management of private Trials committed to them ; the one the *City-Prætor*, who administred Justice to his Fellow-Citizens only ; the other, the *Foreign-Prætor*, who decided in the Affairs of their Allies, and all Strangers : Of the remaining eight, two were Judges in Cases of Murder ; one of Extortion ; one of embezzling the public Money ; one of Corruption ; one of Fraud ; one of Treason ; and one of Violence : And at last, under the Emperors, the two *Prætores Cereales* were created, whose Office it was to give Judgment with regard to *Deposita*, or Things committed to any one's Trust and Charge : And likewise the *Prætoræ Tutelaris*, whose Business it was to see that Tutors should act an honest Part, to take Care of the Pupil's Interest, and accept of the Tutorage transferr'd to him.

Page 181, Line 16. *Two mighty Monarchs.*] These were *Mithridates* and *Tigranes* ; the former of whom *Cicero*, in his *Lucullus*, pronounces the greatest of Kings next to *Alexander* : He drove *Nicomedes* out of *Bithynia*, and *Ariobarzanes* out of *Cappadocia* : The latter,

Explanatory NOTES.

latter, *Tigranes*, is by *Plutarch* stil'd the *King of Kings* : So great was his Power, that having driven the *Parthians* out of *Asia*, he transplanted the Cities of *Greece* into *Media*, and rul'd *Syria* and *Palestine*.

Ibid. The first of these Princes was abandon'd.] *Mithridates* being routed, and on the very point of being taken Prisoner by *Lucullus*, was after all left in this Situation ; this was owing to the Avarice of the Soldiers, who, instead of pursuing him in his Flight, were wholly taken up in amassing the Treasure he had industriously ordered to be strew'd in the Roads, to allure and detain his Pursuers, 'till he should make his Escape to *Tigranes*, his Son-in-Law.

Ibid. Line 19. The other provok'd.] *Lucullus* bore so hard on *Tigranes*, upon his refusing to deliver up *Mithridates*, that after taking Possession of *Tigranocerta*, the City of his own Residence, with a small Body of Men he twice routed his numerous Forces ; upon which, the desperate Situation of his Affairs made him abandon *Mithridates*, and fly into the Skirts of *Armenia*.

Ibid. Line 30. *Bithynia*.] *Bithynia* is a Country of the Lesser *Asia*, lying towards *Pontus*, opposite to *Thrace*, and adjoining to *Troas*. *Nicomedes* was King of this *Bithynia*, from which being banish'd by *Mithridates*, he was again put in Possession of it by *Scylla* ; but he soon after dying, left the *Roman* People Heir to this Kingdom, which the Republic reduced into the Form of a Province.

Page 182, Line 2. The Dominions of *Ariobarzanes*.] *Ariobarzanes* was King of *Capadocia*, and an Ally of the People of *Rome*. He was thrice forced to quit his Dominions by *Mithridates*, and twice by *Lucullus* ; but after the Defeat of *Mithridates* and *Tigranes*, he was re-establish'd in his Dominions by *Pompey*.

Ibid. Line 27. Surest and fairest Revenue.] There were among the *Romans* two Kinds of Tributes ; the one fixed and stated, which (being laid upon the Individuals of the State, and upon the Ground) was levied every Year ; and those who paid it, were call'd Tributaries : The other, casual and extraordinary, as being only enjoin'd by a particular Edict, or Decree, of the Senate, according to the Exigencies of the State ;
nor

Explanatory NOTES.

nor could they be laid out any where, save at *Rome*, by the Censors.

Page 183, Line 6. *The Thirst of Glory.*] The Passion for military Glory ran so high, in the Breasts of the *Romans*, that from the building of the City, 'till its being surpriz'd by the *Gauls*, i. e. for about three hundred and fifty Years, they serv'd Campaigns *gratis*, and without any Pay from the State.

Ibid. Line 12. *In one Day.*] *Mithridates* sent Letters to all the Governors of the Cities of *Asia*, enjoining them, on the thirtieth Day after the Receipt of the said Letters, to kill, not only all the *Romans*, but all the Inhabitants of *Latium*, with their Wives and Children; and to leave their Bodies unburied, a Prey to the Wild Beasts: Upon this, so great was the Execution done, that in one Day an hundred and fifty thousand were slain. Concerning this, see *Appian*, in his Book entitled *Mithridaticus*; and *Plutarch's* Life of *Sylla*.

Ibid. Line 28. *Lucius Sylla triumph'd.*] When at *Rome* Seditions were again rais'd by *Cinna*, *Carbo*, *Sertorius*, and *Marius*; and a great many of the most considerable Men of the Commonwealth kill'd; *Sylla* having concluded a Peace with *Mithridates*, by the Senate's Orders, returns to *Rome*, to quell these Tumults, leaving *Muræna* behind him to settle the Affairs of *Asia*, who disregarding the Terms of Peace, and fir'd with the Love of military Glory, at first undertook small, and afterwards greater, Expeditions against *Mithridates*: But *Sylla*, thinking it a Reproach to *Roman* Honour not to stand to the Articles of Peace, call'd *Muræna* out of *Asia*.

Page 184, Line 19. *Bosphorani.*] The *Bosphorani* are the Inhabitants of *Bosphorus*, in *Thrace*, bounded on the East by *Pontus*. Upon *Sylla's* Return into *Italy*, *Mithridates* wag'd War against them, and having conquer'd them, gave him his Son *Ælchares* for their King.

Ibid. Line 30. *From Sertorius and Spain.*] *Sertorius*, a Partizan of *Marius*, upon the Return of *Sylla*, made his Escape, with *Cinna*, into *Spain*; where becoming mighty popular, he often routed the *Roman* Armies; but being outlaw'd by *Sylla*, he was betray'd by *Marcus Antonius*,

Explanatory NOTES.

Antonius, Marcus Perpenna, and some others, who were let into the Plot, and slain at an Entertainment in the Year of the City 681. Thus *Florus, Plutarch*, and *Appian*.

Page 185, Line 20. *Some Circumstances of Insolence offer'd.*] *Corinth*, a City of Greece, situated by the *Isthmus* between *Peloponnesus* and Greece, was in these Days so rich and powerful, that it was by *Leptinus* stiled one of the Eyes of Greece, *Athens* being the other. It was destroy'd by the *Romans*, under the Conduct of *Mummius*, in the 607th Year after the building the City; the third after the Punic War, and before the *Numantian* War. The Reason of its being destroy'd (according to *Strabo*) was the Inhabitants bespattering the *Roman* Ambassadors with Filth from the Top or Windows of their Houses; according to *Livy* and *Asconius*, because they rejected them in Quality of Ambassadors, and violated their Rights; but, according to *Cicero*, because they demanded an Interview with them in a haughty and insolent Manner: This *Cicero* advances, perhaps, with a View to extenuate the Fact, and heighten the Envy against *Mithridates*, who had exercis'd such unheard-of Cruelties upon a *Roman* of Consular Dignity. The Persons of Ambassadors were held so sacred, that they bore, either on their Heads, or in their Hands, Grass pluck'd up by the Roots, from the Foot of the Altar, or *Vervain*, (a sacred kind of Herb) that none might dare to injure them.

Page 186, Line 20. *Ariobarzanes, a Prince.*] An Alliance with the *Roman* People was a Matter of so great Moment and Importance, that it was only granted to those who deserved well at the Hands of the Republic. As a Sign of this Alliance, foreign States had a golden Crown and Goblet sent them, and a Chair of State, in which they might sit next to the *Roman* Emperor; together with an Ivory Sceptre, and a painted Garment, all guarded by a Company of Horse. But what gives the greatest Light in this Passage of *Cicero*, is a *Greek* Inscription upon one of *Ariobarzanes's* Medals, which runs thus: ΒΑΣΙΛΕΥΣ ΑΡΙΟΒΑΡΖΑΝΟΥ ΡΩΜΑΙΩ ΕΥΘΕΒΟΥ: The Coin of King *Ariobarzanes*, who is happy on account of his Alliance with the *Romans*.

Explanatory NOTES.

Page 187, Line 10. *Tho' he acted in the Character of a Sea-Officer.*] At this time a vast Number of Pirates infested the Seas, and put an entire Stop to all Commerce; by the *Gabinian Law*, *Pompey* was sent against these, and pursued them with such Vigour, that in thirty Days time he drove them out of those Seas, without the Loss of one of his own Ships.

Ibid. Cum Antiocho.] When *Antiochus*, King of *Syria*, had made an Alliance with the *Ætolians*, in conjunction with whom he was waging War upon the Confederate Cities of *Greece*, especially *Lyfimachia*, which was redemanded by the *Roman People*, he sent *Glabrio* against them.

Page 188, Line 2. *With Philip.*] The *Philip* here spoken of, was indeed King of *Macedon*, tho' not the Father of *Alexander*, but another who reigned long after him: The Reason why the *Romans* wag'd War upon him, was because he had besieg'd the *Athenians*, at that time their Allies.

Ibid. Line 3. With the Carthaginians.] When the *Carthaginians* (having enter'd into an Alliance with *Hierome*, King of *Syracuse*) attack'd *Messana*, one of the Confederate Cities, the *Romans* wag'd War upon them, under the Command of *Appius Claudius*, which gave Rise to the first Punic War. That the Reader may not be misled in this Point of History, I must inform him, that *Cicero* does not, in this Passage, observe the Order of Time with regard to these Wars; for the War with the *Carthaginians* was the first in the Order of Time; that with *Philip*, the second; and that with *Antiochus* the third.

Ibid. Line 12. So rich, so fertile.] There are three Kinds of Tributes, or Taxes, from which the *Roman State* drew very ample Revenues: The first was what they call'd *Decimæ*, or *Decumæ*, corresponding to our Word *Tythes*; these were exacted not only of all *Romans*, but of all the *Roman Allies*, either within or without *Italy*, who farm'd public Lands; but 'tis to be observ'd, that these were for the most part only laid on Corns, Wines, Oils, and the smaller Grains. The second was what they call'd *Scriptura*, a Word which, I believe, cannot be render'd by any one Word in our Language; we know well enough, however,
what

Explanatory NOTES.

what Idea the *Romans* fix'd to it, and in what Sense they us'd it; they meant no more by it, than that Branch of the Revenue which was paid by those who enjoy'd the Privilege of Forests, and Pasture Grounds, belonging to the Public: This Part of the Revenue was probably call'd *Scriptura*, from the Sum agreed upon with the Master of the Customs for the said Privilege being enter'd in a certain Book. The third kind of Tax was what they call'd *Portorium*, which, except in a few minute Circumstances, corresponded to our Customs laid upon Goods imported and exported.

Page 189, Line 19. *In the Forests.*] The Words in the Original corresponding to these, are in different Editions read differently; for some of the Commentators vigorously stand up for *in salinis*, and others of them for *in Saliētis*, being the true reading; but without loading the Reader with their intolerable Lumber, I shall only acquaint him, that the following Reason induc'd me to prefer the latter of the Readings; tho' I don't deny but that, according to *Pliny*, Lib. 31, Cap. 7. Taxes on the Salt-pits of *Rome* were appointed by *Ancus Martius*; yet it is equally certain, that these Taxes were, upon the Expulsion of the Kings, abolished by a Decree of the Senate, and never after exacted in *Rome* 'till the Days of *Marcus Livius*, the Censor, who, for being the Reviver of them, was stiled *Salinator*. But surely we never read in any Period of the *Roman* History of their being impos'd upon *Asia*, or any other of the *Roman* Provinces. Besides, *Cicero* here speaks of three Kinds of Tributes, but in no Part of his Works of that arising from Salt-pits; for which Reason, I am apt to think, that *Cicero* has here in his Eye the Pasture Grounds, which abounded with Groves of Willows.

Page 190, Line 4. *Their Estates and Effects.*] *Cicero* here means, that these Men farm the Revenues at so high a Rate, that the Whole of their Substance was laid out in that Way: For by the *Rationes* he cannot here mean Journals and Ledgers, or whatever else they had equivalent to them, these being remitted to the Master of their Society at *Rome*, and deposited in his Hands.

Ibid. Line 12. *Laid out all their own and Family's*
For-

Explanatory NOTES.

Fortune.] Very many Citizens had their Fortunes lodg'd in the Hands of the Trading Men, who, in the very Nature of the Thing, must suffer by the Losses of these Traders. *Plutarch* informs us, that in *Asia* there were a great Number of Farmers of the public Revenues, and Factors, who miserably harra's'd that Province; and that they consisted of all the several Orders in *Rome* (except the Senatorian) and especially of the Equestrian, of which there were many who were Tythe-farmers, Labourers, Masters of the Customs, and Collectors of the Pasturage and Forest Money.

Page 191, Line 7. *Towards the Beginning of the Asiatic War.*] *Cicero* here points at the Time when *Mithridates*, twenty three Years before this, slew, in a barbarous and cruel Manner, so many thousands of the *Romans*.

Ibid. Line 9. *Stoppage of Payment.*] When these Farmers of the public Revenues in *Asia*, being slain, could not clear with their Creditors in *Rome*, it happened, that these in their Turn became unable to answer their Credit---Thus public Credit, which is nothing, according to *Cicero*, but an uninterrupted Adherence to Truth, in performing Promises and Compacts.

Page 192, Line 14. *The vast Army of Mithridates.*] These consisted of an hundred and twenty thousand Foot, and sixteen thousand Horse. *Vid. Plutarch.*

Ibid. Line 17. *Cyzicum, the noblest City of Asia.*] *Cyzicum*, the most considerable City of *Asia*, was besieg'd on all Sides, both by Sea and Land, by *Mithridates*, with several Instruments of War, and a wooden Turrit an hundred Cubits high; but all Provisions being intercepted from him by *Lucullus*, he was oblig'd to raise the Siege. Our Author calls it, *Urbem Asiæ clarissimam*; not, perhaps, from its being the chief City of *Asia* in point of Riches, or Power, but with regard to its Fidelity and Loyalty towards *Rome*. See his Oration for *Muræna*, and *Archias* the Poet.

Ibid. Line 26. *Fitted out to invade Italy.*] *Plutarch* and *Appian*, two Authors, whose Authority, on this Occasion, are inferior to that of our Author, tell us, that this celebrated Sea-Fight was fought off *Lemnos*; but if we examine strictly, we shall find, that there were two Sea-Fights near the same Place; the first off
Tenedos,

Explanatory NOTES.

Tenedos, where *Isidorus*, the Admiral, was kill'd (having lost thirteen Ships) as he endeavour'd to join the grand Royal Fleet, then lying at *Lemnos*. The next was at *Lemnos* itself, where *Marcus Varrus*, *Mithridates's* Admiral, was taken, and several other Generals. But we are oblig'd to our Author for informing us, that this grand Fleet was design'd to invade *Italy*. Our Author has mention'd this Battle in his Orations for *Archias*, and *Murana*; and in both Places expressly says, that it was fought off *Tenedos*.

Page 193 Line 1. *That in numberless Engagements.*] In a Battle at the River *Rhyndacus*, having kill'd many of the Enemies, he took Prisoners six thousand Horse, and fifteen thousand Foot. In another Battle at the River *Granicus*, having taken many Prisoners, he slew twenty Thousand of the Enemies. In a third Engagement, at Sea, many of the Barbarians were slain; and among the other Captives, *Marius*, who had been sent by *Sertorius*, was taken, and afterwards slain.

Ibid. Line 3. *That Pontus was expos'd.*] When this King had betaken himself to Flight, *Lucullus* made an Inroad into *Pontus*, and subdued to himself all the Cities of it, except very few.

Ibid. Line 5. *Sinope.*] *Sinope* is a City situated in the *Euxine* Sea, which at first stood out against the *Romans*; but the Citizens being at last reduced to great Straits, and their larger Vessels set on fire, betook themselves to their Gallies, the more conveniently to make their Escape: *Lucullus*, however, having at last made himself Master of the City, he again set it at Liberty; because, when he was laying Siege to it, he dream'd that he was call'd upon by *Antigonus*, who attended *Hercules* in his Wars against the *Amazons*, and chose this City for himself.

Ibid. Line 6. *Amisus.*] This is a Town on the Confines of *Paphlagonia* and *Cappadocia*, about an hundred and thirty Miles distant from *Sinope*: Having vanquish'd the former of these, *Lucullus* pitched his Camp by the latter, which he soon made himself Master of, the Inhabitants flying; but he allow'd them to be govern'd by their own Laws, because it was a Colony formerly founded by the *Athenians*.

Ibid.

Explanatory NOTES.

Ibid. Line 9. Cappadocia.] *Mithridates* having banish'd *Nicomedes*, took Possession of *Cappadocia*.

Ibid. Line 11. *Stript of his hereditary*] The first *Mithridates* was descended of the *Persian* Monarchs; who flying from *Antigonus* King of *Syria*, who had resolv'd to kill him, came into *Cappadocia*, and fortified a Place for himself; and great Numbers flocking to him, he at last took Possession of *Cappadocia*, and the Territories adjoining to *Pontus*; and left to his Successor an extensive Empire, which was, without Interruption, handed down to this *Mithridates*, the sixth of the same Line and Name.

Ibid. Line 13. *From Prince to Prince.*] He first fled to *Tigranes*, his Son-in-Law; and when he was vanquish'd, he fled to the King of the *Parthians*, to whom he had some time before sent Ambassadors.

Ibid. Line 16. *Without Diminution of our Revenue.*] Many Kings and States contributing Money to the carrying on the War, what was farther necessary *Lucullus* would not take out of the public Treasury, but advanc'd out of his own private Fortune. *Vid. Plutarch.*

Ibid. Line 30. *In the same Manner as the celebrated Medea.*] This *Medea* was the Daughter of *Ætes*, King of *Colchos*: She entertain'd *Jason* and his *Argonauts*, and falling in Love with him, on promise of Marriage, taught him to tame the Brazen-footed Bulls, and cast the Dragon into a deep Sleep, that he might carry off the Golden Fleece; which being done, he fled, taking her and her Brother along with him; but fearing to be overtaken by her Father, who pursued them, she cut her Brother, *Abfyrtus*, in Pieces, and strew'd his Limbs in the Way, to stop the Pursuit. *Jason*, at his Return, married her, and had two Sons by her, whom she murdered, in Revenge, because *Jason* had married *Creusa*, the Daughter of the King of *Corinth*; and sent a Box to the Bride for a Present, which she opening, the Fire burst forth, and burnt her, and the Palace: After this, she fled to *Athens*, where she married old *Ægeus*, and had a Son by him called *Medus*, with whom she flew away into that Part of *Asia* which, from him, is called *Medea*. The Simile in our Author has wonderful Force and Beauty;
for,

Explanatory NOTES.

for, as *Medea* retarded her Father's Pursuit, by the mangled Limbs of her Brother, so *Mithridates* put a Stop to that of *Lucullus*, by strewing Treasure in the Road, to be gather'd up by his Enemy's Army, after the Defeat he receiv'd at *Cyzicum*, where there was so great a Slaughter of Men and Cattle, that the Rivers *Granicus* and *Asopus* were deeply ting'd with the Blood of the Slain.

Page 195, Line 2. *As if the Hopes of rifling a wealthy and an awful Temple.*] *Cicero* has here in his Eye the *Fanum Cumanum*, which was plundered by *Muræna*, at the Persuasion of one *Archælaus*, who had revolted from *Mithridates*.

Ibid. Line 6. *Took the Capitol of Tigranes's Kingdom.*] This was *Tigranocerta*, which *Tigranes* built, and to which he gave his own Name: He made the Walls of it fifty Cubits high; and the richest Men in the Kingdom, to testify their Confidence in the Prince, lodg'd all their Treasure there. *Lucullus*, according to *Plutarch*, found in it eight thousand Talents, besides much Riches, the Value of which could not be computed. At this Capitol *Lucullus*, with a small Body of his Men, routed the Forces of *Mithridates* and *Tigranes*, which consisted of two hundred and fifty thousand Foot, and fifty thousand Horse. After this Defeat, the two Kings levied another Army, of seventy thousand Foot, and thirty-five thousand Horse, which *Lucullus* routed a second time; upon which *Tigranes* fled into *Armenia*, and *Mithridates* into *Pontus*.

Ibid. Line 9. *The Distance of the Scenes of Action.*] Here *Cicero* artfully throws a Veil over the unworthy Conduct of *Lucullus*, in quitting his fleeing Enemy; and excuses the Matter by the Distance of the Scenes, or rather by the Sedition of the Soldiers; for the *Vale-rian* Legions refus'd to obey Orders; alledging, as the Reason of their Refusal, that they had serv'd their full Time. *Plutarch* says, that the Soldiers were exasperated at the Pride and Avarice of *Lucullus*, and that *Publius Clodius* importun'd them to revolt.

Ibid. Line 20. *Troops of foreign Princes and Nations.*] *Mithridates* was put at the Head of a new Army in *Pontus*, which was furnish'd out to him by different Kings and States; viz. the *Medes*, the *Adiabeni*, the

Explanatory NOTES.

the *Gorgen*i, the *Arabes*, the *Albani*, and the *Iberians*.

Page 196, Line 6. *He attack'd your brave, your victorious Army.*] *Mithridates*, on his Return to *Pontus*, overcame *Fabius*, who was left by *Lucullus*; and by the Negligence and Rashness of one of the Veterans, who was sent Ambassador, above seven thousand *Romans*, an hundred Centurions, and twenty-four Tribunes of the People, were on that Occasion cut off.

Ibid. Line 7. *Suffer me.*] This Passage is full of Art and Beauty; for the very Thing the Orator design'd to heighten, is spoken of in the most modest Terms; and with a seeming kind of Reluctance, expressive of the Orator's Humanity, and sympathizing Turn, to the Degree of which, his Success with the Audience (other Circumstances alike) is proportioned.

Ibid. Line 18. *In Obedience to your Commands.*] The Words in the Original are *Vestro Jussu*; for, among the *Romans*, the People alone commanded, and the Senate were only authoriz'd to vote, and advance their Reasons for voting, either for or against any thing; for which the *Romans* used the Word *censere*: This laid a Foundation for this Form of Speech, so often occurring in the *Roman* Historians, *Velitis Jubeatis Quirites*.

Ibid. Line 20. *In Imitation of our Ancestors.*] After the Expulsion of the Kings, the Office of Consul (and consequently his Power) lasted only for a Year; at the Expiration of which, new Consuls were always created; but sometimes the Office was continued for three or more Years, as the Situation of Affairs call'd for; whence *Livy*, Book 4th, thinks, *Maximam Libertatis Populi Romani Custodiam esse, si magna imperia diuturna non essent, & temporis modus imponeretur quibus juris imponi non posset*: "That the surest Guard of the Roman People's Safety, was to make Offices of Importance of short Continuance; and to limit by Time those Officers, whose legal Power could not be limited".

Ibid. Limit the Duration of his Command.] *Lucullus*, when Consul, having obtain'd the Government of

Z

Asia,

Explanatory NOTES.

Asia, undertook a War against *Mithridates*, which he continued for seven whole Years.

Ibid. Line 21. *Dismiss'd that Part of his Army.*] The Veterans were said to have serv'd their Time when they had carried Arms nine Years; but if the State of the Republic call'd for it, they were oblig'd to serve from the sixteenth Year of their Age to the forty-fifth: Now, *Lucullus* dismiss'd those of them who would not follow him, who were at that time call'd *Fimbrians*, from their following *Fimbrius*, after they had killed *Valerius*, the Consul, who was hated for his Avarice.

Page 198, Line 2. *Into his Father's Army.*] The Father of *Pompey* was *Cn. Pompeius Strabo*, who was General of that Army sent to act against *Cinna*, who had rebell'd against the State. Under him his Son *Pompey the Great* serv'd, when but 17 Years of Age. It must be own'd, that tho' *Cicero*, perhaps, strains his Praises of *Pompey* to too great a height in this Oration, yet he certainly understood the Art of War beyond any of his Time; perhaps, not excepting *Caesar* himself; but the Genius, the Address, and the Fortune of *Caesar*, bore every Thing down before him: *Pompey* was his Inferior in all these; but he had so thoroughly studied the Art of War, that he had reduc'd it to a Science.

Ibid. Line 13. *Whose Youth was train'd up.*] In the Original it is *Extrema Pueritia*, which may signify either the Commencement, or Determination of his Boyish Age; for, according to *Aulus Gellius*, the Stage of Life was by *Servius Tullius* thus divided; they were Boys till the seventeenth Year of their Age; from that till the forty-sixth, young Men; and from that to the very End of their Lives, old Men. In the first of these Periods *Pompey* was a Soldier under *Sylla*.

Ibid. Line 15. *But by his own Experience.*] When *Cinna* the Consul, who had rais'd a War in the State, was kill'd, and his Colleague, *Carbo*, had march'd against *Sylla*, who had brought back his Army victorious from *Asia*, *Pompey*, at that time scarcely twenty-three Years old, and bearing no Office in the Army, levied three Legions in *Picene*, and the whole Nobility joining

Explanatory NOTES.

Joining him, he led a very considerable Army to *Sylla's* Assistance. In his March he secured the Friendship of many States of *Italy*. He brought over to his Party those who had sided with the Enemies of *Scipio* and *Carbo*; both whom he challeng'd to an Engagement. Upon *Pompey's* coming up to *Sylla*, he nimbly alighted from his Horse, and saluted him General, who in his Turn saluted *Pompey* the same, before he was admitted into the Senate. Immediately after, *Sylla* sent *Pompey* into *Celtiberia*, at the Head of an Army.

Ibid. And his own Commands.] No Person had been oftner General than *Pompey*, therefore he might well be said to learn the Art of War, not so much from Precepts, and the reading Treatises on that Subject, as from Use and Experience.

Ibid. Line 19. By the Triumphs he obtain'd.] *Pompey*, according to *Velleius Paterculus*, triumphed three times; viz. on account of the Victories he gain'd in *Africa*, *Asia*, and *Europe*.

Ibid. Line 22. The African, &c.] The African War was carried on against *Cneius Domitius*, whom most of those who were banished out of *Italy* follow'd; and against *Hierica*, King of *Numidia*, who is likewise, by *Plutarch*, stiled *Hiarba*; all these uniting their Forces, and making head against *Sylla*, he discomfited in one Battle: This War he put an End to in forty Days; and upon his Return to *Rome*, was saluted *Magnus* by *Sylla*. But what was most extraordinary of all, he had a Triumph when but a Roman Knight, and but twenty-four Years of Age.

Ibid. The Spanish War.] He calls this the Heterogeneous War, because it was carried on by Fugitives of *Rome*, who join'd the *Gauls* and *Germans*.

Page 199, Line 16. *Italy is a Witness.*] Our Author here artfully particularizes all the several Scenes of Action in which *Pompey* shin'd. As a Note upon every one of them wou'd take up a great deal of Room, we must refer the Reader to the History of *Rome*, and *Pompey's* Life.

Page 201, Line 11. Floating Bulwarks.] The Original has it only *Propugnaculis*, which signifies properly a Bulwark: I have translated it as regarding Ships, contrary to the Sense of all Commentators, &c. My

Explanatory NOTES.

Reason is, because there is no instance of *Propugnaculum* being applied to a *marching Army*; which it must be here, if it does not signify Ships: It cannot signify *Fortresses*, or *Bulwarks*, in the literal Sense, because they are apply'd to the *Fortunæ Sociorum*; therefore the *Bulwarks* must be understood to belong to their Allies also: But if we suppose that he speaks of the *Roman Shipping*, it is both agreeable to the *Roman Idiom*, to the *History* itself, and to what immediately follows.

Ibid. Line 21. *Twelve Badges of Roman Authority.*] He here places the *Prætors Badges of Distinction* for themselves: The Words in the Original are *Duodecim Secures*; and the two *Prætors* here meant, are *Sextilius* and *Bilinus*, who were seiz'd, together with their *Badges* and *Lictors*, by the *Pirates*. Each *Prætor* had six *Lictors*, when exercising any Part of his Office without the City; but only had *Fasces* carried before him when in the City.

Ibid. Line 25. *Cindus, Samos, or Colophon.*] These are three Cities in *Iona*.

Page 202, Line 1. *Harbour of Cajeta.*] This is in *Campania*, and receiv'd its Name from the Nurse of *Æneas*, who was buried there; of whom *Virgil* sings thus, in his 7th *Æneid*;

*Tu quoque Littoribus nostris Æneia Nutrix
Æternam mariens, famam cajeta dedisti.*

Ibid. Line 2. *While a Roman Prætor look'd on.*] Who this *Roman Prætor* was, we cannot be very sure; but it is a common, and not an ill founded, Opinion, that it was *Marcus Antonius*; who was sent General of that War, before *Pompey* receiv'd the Command: That his Success was bad, and that he was kill'd there, is most certain; and *Florus* informs us, that his Daughter was carried off by the Robbers at that Time.

Ibid. Line 6. *Why should I mention our Disgrace at Ostia.*] *Ostia* was a City built by *Ancus Marcius*, in the Mouth of the River *Tiber*. So daring were the *Pirates*, that they landed at this Town, and burnt and plunder'd the *Roman Vessels*; and, as if they entertain'd no Thoughts of returning, they remained there,
and

Explanatory NOTES.

and deposited all their Booty, and those they had not slain, in their City. *Vide Dion, Lib 26.*

Page 203, Line 8. *The two Spains.*] One on one side of the River *Iber*, and the other on the other.

Page 204, Line 1. *In the Beginning of Spring.*] We are told by the Historians of those Times, that this War was prepared for, undertaken, and finished, within four Months. *Livy, Lib. 99,* tells us, that in forty Days the Pirates were quite banish'd from these Seas. *Plutarch* says, that in three Months, and *Appian*, that in seventy Days, all the Vessels of the Pirates surrender'd themselves to *Pompey*; and that in an hundred and twenty Days, all Towns, Castles, Forts, Retreats, &c. were subjected to the *Romans*; and ten thousand of themselves slain.

Page 205, Line 5. *In order to gain the Province he has in his Eye.*] Those Provinces that were to be given to the Consuls, and those that were to be bestow'd on the Prætors, were first agreed upon by the Senate; and they afterwards obtain'd them either by Lot, from the Senate, or from the Tribunes of the People, whom they brib'd very largely on such Occasions.

Page 209, Line 19. *The Forum fill'd.*] He here calls the Place, where the *Comitia* were held, the *Forum*; because it lay so near the *Forum*, that they were often call'd by the same Name.

Page 221, Line 9. *With Jugurtha.*] *Marius* overcame *Jugurtha*, and led him and his two Sons in Triumph, who were afterwards slain in Prison.

Ibid. With the Cimbri.] The *Cimbri* often routed the *Roman* Armies, and took their Generals Captives; but at last, *Marius* overcame them in two Battles, in which he slew two hundred thousand of them, and took ninety thousand Prisoners.

Ibid. Line 10. With the Teutoni.] After the *Cimbri* were routed, they join'd themselves to the *Teutoni*; but *Marius* gave them a remarkable Defeat, by killing forty, and taking sixty thousand of them Prisoners.

Ibid. Line 27. To sit in the Senate.] *Plutarch* says of him, that he could easily have been receiv'd into the Senate, before the Age appointed for that Purpose, but that he refus'd it; thinking it a greater Honour to triumph whilst only a *Roman Knight*.

Explanatory NOTES.

Page 222. Line 1. Publius Servilius.] This *Publius Servilius*, was sent to the *Piratic War* after *Antony*, and gained a very glorious Victory; and not content with driving them from the Seas, he ravaged *Phaselis* and *Olympus*, their best fortify'd Towns, and *Isauros*, the chief Fort of *Cilicia*; which he thought so glorious an Exploit, that he assumed the Surname of *Isauricus*.

Ibid. Line 8. Caius Curio is another Authority.] This *Curio* was Consul with *Lucius Octavius*, who when Proconsul routed the *Dardani*.

Ibid. Line 19. I approve your Law.] This Law was not a little offensive to those who loved their Country; because the public Liberty seem'd infringed by committing the Charge of the War to one Hand only; and because by that means *Lucullus* was deprived of that Glory, which was justly due to him on account of his Actions; many endeavour'd to oppose this Law, but none appear'd so keenly against it as *Catulus*. See *Plutarch* in *Vita Pompeii*.



Notes upon the ORATION for QUINTUS LIGARIUS.

PAGE 232, Line 3. Kinsman Tubero.] It is uncertain whether this *Tubero* was *Cicero's* Neighbour or his Kinsman; the Word *Propinquus* implies either. The Reader will no doubt observe what a delicate Irony runs thro' the Beginning of this Oration.

Page 233, Line 6. Caius Panfa.] He was a Friend of *Cæsar's*, and mentioned in the 10th Epistle of the Sixth Book of his Familiar Letters.

Ibid. Line 23. Lieutenant General Caius Confidius.] Tho' the Word *Legatus* here is translated *Lieutenant General*; it was not however an Office at all correspondent to what we understand by that of a Lieutenant-General. They were as *Cicero* says in his Oration against *Vatinius*, *Nuntios pacis ac belli curatores, interpretes,*

Explanatory NOTES.

pretes, auctores bellici concilii, ministros muneris provincialis appellat. That is, Messengers of Peace, and Managers of War. The Interpreters and Advisers of all Measures relating to War, and Deputies of the provincial Duty.

Page 234, Line 12. *Partly from an ill founded Hope, partly from a blind Fear first upon a General.*] The Interests of the *Africans* were very much connected with the Success of the Civil War betwixt *Cæsar* and *Pompey*, and as Gratitude is but a second Consideration to Interest, had they been left to their own Choice, they would have followed *Pompey*, because they had received many signal Favours from him.

Page 235, Line 4. *They went from Home upon no War, nay, not so much as upon the smallest Presumption, that a War was to happen.*] The Reader may here observe how artfully our Author opens his Client's Cause by pleading a Compulsion which *Ligarius* was under, for taking up Arms against *Cæsar*, and yet at the same Time he never mentions any one Overtact committed by *Ligarius* against *Cæsar*.

Page 236, Line 3. *Incredible Affection he bore to his Brothers.*] There is nothing in which our Author's Art is more eminent than when he moves the Passions by throwing in some Instance of a private Virtue, in order to influence the Decision upon a public Cause. We may likewise observe how strongly the *Romans* were prejudiced in favour of any Man, who practised the Duties either of a Relation, or of a Friend.

Ibid. Line 13. *Wonderful Clemency.*] This is one of the finest Strokes that occurs in any Pleading, either Ancient or Modern, nothing could be a more delicate Compliment to *Cæsar*'s Person, yet at the same Time a stronger Proof of our Author's Patriotism, since we don't find thro' all this Oration, that he ever once pretends, that he has changed his Sentiments. Nay, there is somewhat in the next Line, *neque tacitas tuas Cogitationes extimisset*, i. e. nor does he dread your silent Reflections, which insinuate as if our Author had told *Cæsar*, that the latter knew very well the Original could never be his sincere Friend, for it was natural

Explanatory NOTES.

tural for *Cæsar* to think that it all became one, who had himself been his Enemy to plead the Cause for a Man arraigned for the same Crime. However, as I have taken Notice of it elsewhere, it was at the same Time an admirable Proof of the Greatness of *Cæsar's* Soul, who could look down with a silent Kind of Compassion upon his Enemies.

Page 237, Line 5. *Without Compulsion.*] *Cicero* in many Passages endeavours to represent his joining with *Pompey*, merely as an Effect of his own Gratitude. He likewise insinuates that, notwithstanding his Attachment to *Pompey*, he foresaw what the Event of the War would be.

Ibid. Line 16. *While he was the only Commander suffered me to be the other.*] The Word in the Original is *Imperator*, which I have translated *Commander*. Here the Reader must understand, that there was a great Difference between a *Dux Exercitus* and an *Imperator*. Any Man by Virtue of his Commission might have been *Dux Exercitus*, or put at the Head of an Army, but it was his Success and Abilities in managing that Commission, by which he could be created *Imperator*. This Creation was performed by the Soldiers saluting their General with this Appellation, after performing any glorious Action. Under the Emperors this Dignity was conferred by a Kind of a *Conge d'lire* from the Emperor.

Ibid. Line 17. *Suffered me to be another.*] *Cicero*, when *Servius Sulpicius*, and *Marcus Marcellus* were Consuls, was sent Proconsul into *Cilicia*, where he overcame the *Armenians*, and took the City *Pindenissus*: He likewise waged War against the Robbers, who infested Mount *Amanus*, for which Reason he was saluted *General* by the Soldiers. The following Year, when *Lucius Paulus* and *Caius Marcellus* were Consuls, leaving his Province, he returned to *Italy*, and came near to *Rome*: By this Time, a Civil War had arisen under the Consulate of *Lentulus* and *Marcellus*. But because he did not actually enter the City, he kept his Office, and remained Proconsul; for the Governors of Provinces retained their Office no longer than they entered *Rome*. We have in the 9th Book of the Epistles to *Atticus*, an Epistle wrote to *Cicero*, in the Time

Explanatory NOTES.

Time of the Civil War, in which *Balbus* addresses *Cicero* thus, *Lucus Cornelius Balbus, Marco Tullio Ciceroni Imperatori Salutem*, and another in Lib. 10, where *Cæsar* addresses him thus, *Cæsar Imperator, Marco Tullio Ciceroni, Imperatori Salutem*.

Ibid. Line 25. *Observe Tubero.*] In this Passage he as it were stops short, and by a Figure which the *Rhetoricians* call *Epiphonema*, addresses himself to *Tubero*; the Force and Use of this in Oratory, is already so largely and accurately handled, that I need say nothing of it here.

Page 238, Line 16. *For what, O Tubero, was the Meaning of thy naked Sword, in the Plains of Pharsalia?*] No Author ever had the Art like *Cicero*, to make the best of any Circumstance he could lay hold of. The Figure contained in this, and the four or five following Lines is vastly commended by *Quintilian*.

Page 238, Line 18. *In the Ranks of Pharsalia.*] *Pharsalia* was a Town of *Thessaly*, so called from *Pharsalus*, the Son of *Ærisus*. This Battle of *Pharsalia* between *Cæsar* and *Pompey*, was fought by the River *Enipeus*. See *Appian*.

Page 238, Line 18. *At whose Breast was its Point directed.*] *Viz.* at *Cæsar*.

Ibid. Line 25. *I myself served in the same Army.*] *Cicero* was indeed in *Pompey's* Camp, when the Battle was fought, but he himself did not fight on account of his bad State of Health. See *Plutarch*.

Page 239, Line 21. *The volatile Greeks.*] The *Romans* had much the same Opinion of the *Greeks* as we have of a neighbouring Nation; that they were volatile, slight and inconstant, and that these Defects led them into Treachery and Perfidiousness. The Epithet *Levis*, with them signify'd all kind of Villany and Treachery.

Ibid. Line 22. *Used to carry the Resentment into Blood.*] It must be owned. that the *Romans* in their judicial Proceedings very seldom or never sought to affect the Life of the Party who was accused.

Page 239, Line 6. *Who tho' a Man of excellent Sense and Learning.*] *Tubero*, the Son, was famous for his Knowledge of the Law. The Father, on the other Hand, for his Knowledge of History; as *Cicero* mentions

Explanatory NOTES.

tions in one of his Epistles to *Quintus* his Brother.

Ibid. Line 13. *As good, or if you will, a better Plea than yourself.*] The Cause of *Ligarius* was better than that of *Tubero*; because *Ligarius* remained in *Africa* against his Will, but *Tubero* willingly, and without any Compulsion.

Ibid. Line 20. *Such Manners are foreign.*] *Cicero* here throws a very groundless Asperision on the *Greek* Nation; the Morals of which he supposes *Tubero*, on account of his Levity and Cruelty, to have imbibed; whereas, had his Morals been formed upon *Roman* Models, he had no doubt been all Honour, all Mildness and Humanity. This Prejudice sticks fast by *Cicero* through the whole of his Writings, and whatever State or Kingdom enters the Comparison with his darling *Rome*, is sure to have no great Justice done it. Whether *Cicero* was really blind to the Vices of his Countrymen, I will not take upon me positively to determine; but I am rather inclined to think that his overdoing his Encomiums of this kind, is owing to his Inclination to prejudice his Audience in his Favour.

Ibid. Line 27. *Titus Brocchus.*] *Brocchus* was a Surname of the *Furian* Family; which as *Abrahamus* observes, was bestowed on them on account of their large Mouths and prominent Teeth.

Page 240, Line 7. *That Dictator who killed every Man he hated.*] This is a fine Compliment to *Cæsar*, who, tho' he was a Dictator, yet always expressed a great Abhorrence of *Sylla's* Cruelty. *Sylla* not only proscribed, but put a Reward of two Talents upon the Head of every Man who was proscribed. *Cæsar* had this so much in Abhorrence, that before he was Dictator or Consul, he prosecuted every Man as a Murderer, who had touched any Part of the Public Money for killing any that was proscribed.

Ibid. Line 7. *Even before that Dictator.*] He here means *Sylla*, who after his Victory over the *Marians*, invaded the Consulate immediately after *Marius* and *Carbo* had ended their Consulate.

Ibid. Line 11. *Who even invited Murders.*] *Sylla* proscribed many, and offered two Talents for the Death of every proscribed Person.

Explanatory NOTES.

Page 240, Line 13. *By the very Man*] *Cæsar* made a Law, whereby all those were looked upon as Cut-throats, who should draw the Money out of the Treasury, for producing the Head of any of the proscribed Citizens. See *Sueton's Life of Julius*.

Page 241, Line 4. *Will you then use your Endeavours.*] This Passage is worked up with great Art, and can't miss to affect any Man, who has the least Sense of Compassion or Humanity.

Page 242, Line 7. *Since such we find even among the Conquered.*] Among the Conquered were the *Tuberoes*, who were in *Pompey's* Camp, and this Passage contains what the *Logicians* call an Argument *a Minori ad Majus*.

Page 243, Line 17. *Dost thou Tubero call it Guilt.*] This, as I have on a like Occasion observed, was speaking with more Boldness than any other Pleader in the like Circumstances ever did. What an Idea must it raise in the Mind to imagine *Cicero* Pleading such a Cause before the greatest, the most successful Man that ever lived; a Man, who on the one Hand had Reason to think himself injured, and who on the other Hand was conscious that he had overthrown the Constitution of his Country. I say, to see *Cicero*, who had himself appeared in Arms against this great Man boldly extenuating, nay, in some Measure justifying, the Opposition made to him.

Ibid. Line 13. *Who wrote to me from Ægypt.*] *Cæsar* after having overcome *Pompey*, came into *Ægypt*, where he remained nine Months. *Appian*, Lib. 2d. From thence he wrote to *Cicero*, by one *Philotinius*, and his Letters are made mention of in *Cicero's Epist. Fam.* *Cicero* had by this Time desired *Atticus*, by his Letters, to write to *Balbus*, *Pansa*, and *Hircius* to intercede with *Cæsar* in his Behalf, because they were intimate with him.

Page 244, Line 13. *But to repel an ignominious Usage.*] *Cæsar* had been ignominiously treated in three different Respects, as we may learn from the first Book of his Commentaries. 1st, When he had the Administration of *Gaul* entrusted to him for the Space of ten Years; a Successor was appointed to him before that Time was expired. 2dly. When he left *Gaul*, and apply'd for the Consulate,

Explanatory NOTES.

Consulate, it was denied to him. 3dly, When the Honour of a Triumph, in Consequence of a Victory he had gained, was refused him, the Senate inclined that he should give an Account of his Management.

Ibid. Line 16. *When you discovered an Inclination for Peace.*] *Cæsar* was all along desirous of Peace, for before the Civil War broke out, he sought for it, as he himself tells us. Lib. 3. *De Bell. Civil.* This is likewise plain from his Epistle to *Oppius Cornelius*, which is extant. Lib. 9. *ad Atticum*, Epistle 8, and *Cicero* himself. Lib. 6. *ad Familiares*, *ad Cecinnum*, when he mentions the War between *Pompey* and *Cæsar*, has these Words, *Admirari Soleo, Gravitatem & Justitiam & Sapientiam Cæsaris, qui nunquam nisi honorificentissime Pompeium appellat; at in ejus personam multa fecit asperius; armorum illa, & victoriæ facta, non Cæsaris.*

Page 245, Line 23. *But the same Senate had sent Ligarius thither.*] That is, by a Decree of the Senate, *Ligarius* had come into *Africa* in Quality of Lieutenant; for tho' the Proconsuls chose Lieutenants for themselves, yet one of the Consuls always used to notify the Affair to the Senate, who determined as they thought proper.

Page 246, Line 12. *At home we were educated.*] *Cicero* and *Tubero* were educated together in the City of *Rome*, and in the same School.

Page 246, Line 13. *Abroad we served together.*] The Words in the Original are *Militiæ Contubernales*, for the Understanding of which we have must have Recourse to *Vegetius de Re Militari*, Lib. 2d. Chap. 13. who tells us, *That the Centuries were divided in such a Manner, that ten Soldiers quartered under one Pavilion or Tent, and had one set over them, who was called the Decanus, or the Caput Contubernii.* This Circumstance gave Rise to very intimate Acquaintances among the Soldiers. *Cicero* and *Tubero* had been *Contubernales*, or Tent-fellows in the *Marſic* War, which is likewise called the *Italic*, and the social War. In that War *Cicero* was in the Army of *Cneius Pompeius Strabo*, the Consul, as he himself tells us in his 12th *Philippic*.

Page 247, Line 26. *I will, without any Hesitation, reprove his Conduct.*] I have elsewhere observed this honest

Explanatory NOTES.

most Freedom was perhaps the most proper Method of winning a great Mind, such as was that of *Cæsar*. Our Author knew what a penetrating Genius that great Man had, and that Dissimulation and Truckling were very improper for gaining his Favour; he therefore chose to speak in plain Terms, yet such as might convey a fine Compliment upon *Cæsar*'s Person.

Page 247, Line 3. *Admitting what was by no means the Case.*] I have often wished that it were possible to hear the opposite Party, while I read an Oration of *Cicero*. There is somewhat so strong in this *Argumentum ad Hominem*, which he has laid out, and at the same Time the Part which *Tubero* acted, must have been so ridiculous and inconsistent, that one is tempted to believe there must have been some Circumstances on the other Side, which have justify'd their Proceeding, tho' they have not come to our Knowledge.

Ibid. Line 19. *When that made no Impression.*] *Cicero* here answers for *Tubero*, who he supposes will make an Apology for his Conduct.?

Page 251, Line 27. *While your Progress in Honours led you to the Practice of the Forum.*] The Roman Magistrates were obliged, before they entered upon their Officers, to go thro' a painful Discipline in the *Forum*; in pleading Causes, in order to gain Clients to their Interests: *Cæsar* practised in this Manner, from the 21st to the 39th Year of his Age.

Page 253, Line 3. *For I have seen.*] All this Paragraph is so perplexed in the Original, and the Reading so uncertain, that I cannot be sure if I have hit upon the Meaning.

F I N I S.





E R R A T A.

In the Oration for *Milo*.

PAGE 17, Line 1. after *Africanus*, read or *Pompey*. p. 20, l. 4. for *any Principle of Virtue*, read *my religious Scruple*. p. 23, l. 19. for *defend* read *transfer*. p. 24, l. 12. for a full Stop insert a Comma. p. 31, l. 1. instead of *for*, read *from*. p. 37, l. 9. after *Scola*, read an *Interamnian*. *ibid*, l. 30. instead of *Persecution* read *Prosecution*. p. 45, l. 16. for *his* read *Milo's*. p. 49, l. 1. after *Sentiments* read *were*. p. 50, l. 29. for *Priest* read *Butcher*. p. 52, l. 16. for *Cladius* read *Clodian*. p. 56, l. 5. for *Mela* read *Melius*. p. 64, l. 29. for *the* read *this*. p. 78, l. 1. for *Friends* read *Friend*.

Against *Cecilius*.

P. 87, l. 22. for *would* read *could*. p. 96, l. 2. *dele not*. p. 109, l. 18. read *if I do not feel*. p. 115, l. 19. instead of *that these Fellows are not of such Importance as to*, read *that these great Men never will*. p. 117, l. 26. for *you can never*, read *if you can ever*. p. 124, l. 1. read to *add*.

For *Archias*.

P. 133, l. 6. for *Italy* read *Latium*.

For *Marcellus*.

P. 160. l. 29. for *forc'd* read *fir'd*.

For the *Manilian-Law*.

P. 221, l. 14. read *to whom*. p. 225, l. 12. for *Relief your*, read *Relief of your*. *ibid*. for *of* read *or*. *ibid*. l. 22. for *the* read *these*. p. 227, l. 1. for *Servitius* read *Servilius*. *ibid*. l. 23. for *Favour* read *Fervour*. p. 228, l. 3. after *General* read *a*.



Just Publish'd,

Printed for T. WALLER in the Temple,

1. **A** Dissertation upon the Uncertainty of the *Roman* History, during the first five hundred Years. In Two Parts :

Part 1st. A critical Enquiry concerning the original Records, Memorials, Treaties, and other Monuments, from whence proper Materials cou'd be drawn for compiling the History of the first Ages of *Rome*; and the Historians who compiled the same.

Part 2d. An Examination of some of the principal Events, that are said to have happened during that Period; wherein the Inconsistency of the Historians with one another, and with the few original Pieces that were sav'd, when *Rome* was burnt by the *Gauls*, is proved. Translated from the *French*.

2. An Historical and Critical Account of all the Theatres in *Europe*; viz. the *Italian, Spanish, French, English, Dutch, Flemish*, and *German* Theatres: In which is contain'd, a Review of the Manners, Persons, and Characters of the Actors; intermix'd with many curious Dissertations upon the Drama; together with two celebrated Essays, viz. an Essay on Action; or, the Art of speaking in Public: And a Comparison of the Ancient and modern Drama. By the famous *Lewis Riccoboni*, of the *Italian* Theatre at *Paris*. The Whole illustrated with Notes, by the Author and Translator.

3. Reports in the Time of Holt, from 1688 to 1710, Folio.

4. Baron and Feme. A Treatise of Law and Equity, concening Husbonds and Wives; the Third Edition, very much enlarged, Octavo. Price 6s.

5. New Retorna Brevium, concerning the Return of Writs in the Courts of Chancery, Exchequer, King's

King's Bench, &c. the Third Edition, with Additions. Price 5s.

6. An Historical View of the Court of Exchequer, and of the King's Revenues, there answer'd. By a late Learned Judge. Price 3s. 6d.

7. The History and Practice of the Court of Common Pleas. By a late Learned Judge. Price 4s.

8. Trials per Pais; or, the Law of *England*, concerning Juries, by *Nisi Prius*, &c. with a compleat Treatise of the Law of Evidence; the Seventh Edition, with large Additions: By *Giles Duncombe*, late of the *Inner Temple*, Esq; Price 6s.

9. *Lex Constitutionis*; or, the Gentleman's Law; the Second Edition. Price 4s. 6d.

10. The Law and Practice of Ejectments. Being a Compendious Treatise of the Common and Statute Law relating there. To which are added, Select Precedents of Pleas, special Verdicts, Judgments, Executions, and Proceedings in Error, with two distinct Tables to the Whole; the Second Edition. Price 4s. 6d.

11. The History of the Common Law of *England*, divided into twelve Chapters; with the Analysis of the Law. Being a Scheme or Abstract of the several Titles and Partitions of the Law of *England*, digested into Method. By Sir *Matthew Hale*, Knt. late Lord Chief Justice of the Court of King's Bench; the Third Edition, corrected with the Addition of an Alphabetical Table. Price 5s.

12. The Law of Uses and Trusts, collected and digested in a proper Order from the Reports of adjudged Cases, in the Courts of Law and Equity, together with a Treatise of *Dower*; the Second Edition. Price 5s.

13. *Hawkin's* Summary of the Crown Law, Two Volumes.

14. *Attorney's* Pocket Companion; or, a Guide to the Practisers of the Law: In two Parts, Third Edition, carefully corrected. Price 6s.



